



Ashton Market: Preliminary Plan No. 120180180 and Site Plan No. 820180160

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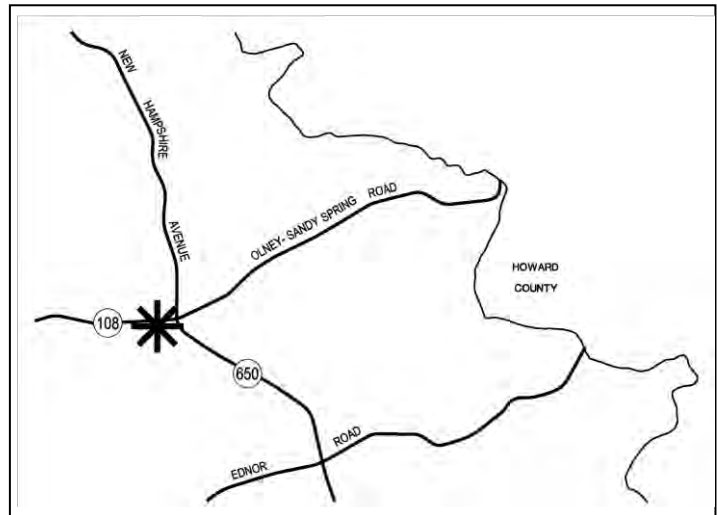
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Staff Report Date: 11/2/18

Description

A. Ashton Market: Preliminary Plan No. 120180180: An application to create 20 lots for 20 townhouses, and one lot for a multi-use building with 3 multi-family units and up to 6,800 square feet of commercial and restaurant space, including 12.5 percent MPDUs, located on Porter Road at its intersection with Olney Sandy Spring Road (MD 108); 3.04 acres, TF zone, CRT-0.75, C-0.75, R-0.25, H-35 zone & the Sandy Spring/Ashton Rural Village Overlay zone; 1998 *Sandy Spring/Ashton Master Plan*.

B. Ashton Market: Site Plan No. 820180160: An application to construct 20 townhouses, and a multi-use building with 3 multi-family units and 6,800 square feet of commercial and restaurant space, including 12.5 percent MPDUs, located on Porter Road at its intersection with Olney Sandy Spring Road (MD 108); 3.04 acres, TF zone, CRT-0.75, C-0.75, R-0.25, H-35 zone & the Sandy Spring/Ashton Rural Village Overlay zone; 1998 *Sandy Spring/Ashton Master Plan*.



Applicant: Nichols Development Company, LLC.

Accepted Date: April 23, 2018

Review Basis: Chapter 50 & Chapter 59

Summary

- Staff recommends **Approval with conditions** of the Preliminary Plan and Site Plan.
- The proposed lots meet the standards of development in the TF-10 zone, CRT-0.75, C-0.75, R-0.25, H-35 zone, and Sandy Spring/Ashton Rural Village (SSA) Overlay zone.
- The Application is using the standard method of development but requires a Site Plan because it includes new buildings in the SSA Overlay zone. Site Plan is also required for the Floating zone.
- The Application is being reviewed for compliance with the development standards for the Townhouse Floating (TF-10) zone as specified in the use standards and binding elements of Local Map Amendment (LMA) H-119.
- The Applicant is also upgrading Porter Road and creating a temporary turnaround at the southern extent of the Subject Property.
- The Application eliminated some stream valley buffer encroachments shown on the LMA.
- The Application includes a Chapter 22A variance for the impact to 7 and removal of 10 trees that are 30 inches or greater diameter at breast height.
- The Application is consistent with the recommendations of the 1998 *Sandy Spring/Ashton Master Plan*.
- *Staff has received citizen correspondence in opposition to the Application.*

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SECTION 1 – EXECUTIVE SUMMARY

The following Staff Report is for a joint Preliminary and Site Plan application for 20 townhouses and a multi-use building with a restaurant or retail, and 3 multi-family dwelling units, located on the south side of Olney-Sandy Spring Road (MD 108) in the Ashton Village Center.

The Floating Zone Plan (FZP) application presented to the Planning Board as part of LMA H-119 showed private roads and townhouses within the stream valley buffer. Staff did not support the encroachment, so alternative designs were presented to the Planning Board. The Planning Board ultimately deferred making any conclusive determination on the proposed encroachment until preliminary and site plan review. Based on the Hearing Examiner's recommendation, the County Council subsequently approved the rezoning application, however, the layout shown on the FZP is illustrative, unlike the accompanying binding elements. The layout of Subject Applications is substantially similar to the FZP layout except for the townhouse cluster east of Porter Road where all stream valley buffer encroachments have now been largely eliminated. The revised layout conforms to all binding elements of LMA H-119.

Staff recommends approval of both the Preliminary Plan and the Site Plan, with conditions. Staff has received correspondence from the community in opposition of the Application. Main concerns focus on density, compatibility, parking, traffic and congestion. The Community Correspondence section of this Staff Report provides more detail regarding community concerns.

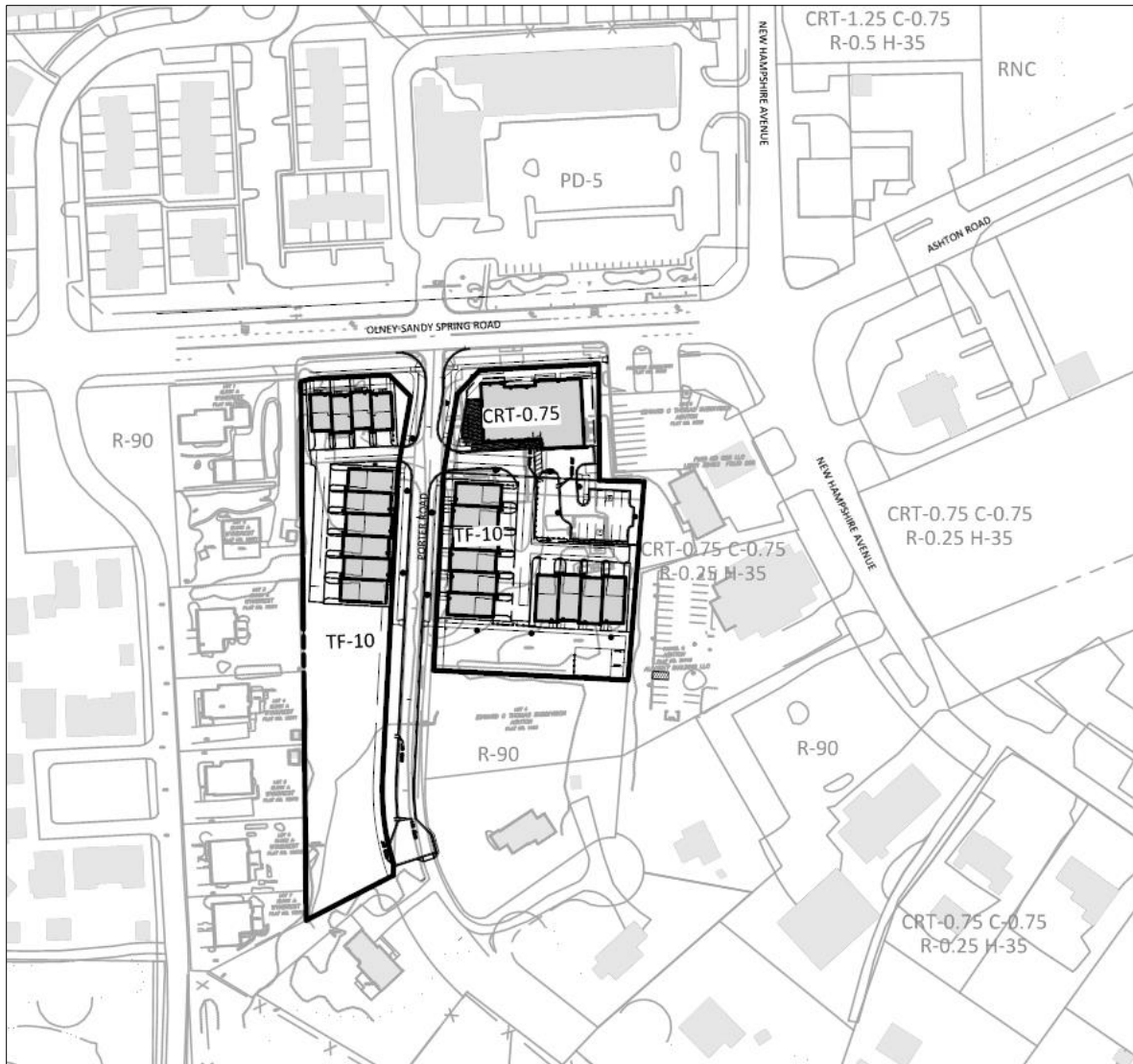


Figure 1 – General layout and vicinity



Figure 2 – Example of townhouse façade from MD 108 (Illustrative)

SECTION 2 – RECOMMENDATIONS AND CONDITIONS

PRELIMINARY PLAN NO. 120180180: Staff recommends approval of the Preliminary Plan subject to the following conditions. Planning Board approval of the Preliminary Plan will vacate a previous preliminary plan approval on a portion of the subject property - preliminary plan No. 120070580, Chevy Chase Bank at Ashton.

- 1) This approval is limited to 20 lots for 20 townhouses, and one lot for a mixed-use building with 3 multi-family units and up to 6,800 square feet of commercial and restaurant uses, including a minimum of 12.5 percent MPDUs.
- 2) The Applicant must comply with the following conditions of approval for the Preliminary Forest Conservation Plan No. 120180180 ("PFCP"), approved as part of this Preliminary Plan, unless modified by the Final Forest Conservation Plan:
 - a) Prior to certification of the Preliminary Plan, the Applicant must revise the PFCP to:
 - b) Prior to the start of any demolition, clearing, grading or construction on the Subject Property, the Applicant must record a Category I Conservation Easement over all areas of forest retention, including stream valley buffer, as identified on the approved Final Forest Conservation Plan. The Category I Conservation Easement approved by the M-NCPPC Office of the General Counsel must be recorded among the Montgomery County Land Records by deed and the Liber/Folio of the Category I Conservation Easement must be referenced on the record plat.
 - c) Mitigation must be provided for the removal of five (5) trees subject to the variance provision that are not included in the forest clearing calculations. Mitigation must be provided in the form of planting native canopy trees totaling 46 caliper inches, with a minimum planting stock size of three

(3) caliper inches. The trees planted for variance tree mitigation are in addition to the trees planted to satisfy the landscaping requirements. The mitigation trees must be planted on the Subject Property, in locations shown on the approved Final Forest Conservation Plan, outside of any rights-of-way, or utility easements, including stormwater management easements. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC forest conservation inspector.

- 3) The Planning Board accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated November 2, 2018, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 4) The Planning Board accepts the recommendations of the Maryland State Highway Administration ("MDSHA") in its letter dated August 24, 2018, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letters, which may be amended by MDSHA provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 5) Prior to issuance of access permits for MD 108, the Applicant must satisfy the provisions for access and improvements as required by MDSHA.
- 6) The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") – Water Resources Section in its stormwater management concept letter dated September 28, 2018 and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 7) The Planning Board accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section in its letter dated August 30, 2018, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.
- 8) The Applicant must dedicate and show on the record plat(s) the following dedications:
 - a) Forty (40) feet from the existing right-of-way centerline along the Subject Property frontage for Olney- Sandy Spring Road.
 - b) A total of fifty (50) feet of right-of-way for Porter Road along the portion of the Subject Property where the Applicant is in control of both sides of the road and fifty (50) feet from opposite right-of-way-line where the Applicant is only in control of one side of the road.
- 9) Prior to recordation of the plat(s), the Applicant must satisfy MDSHA requirements to ensure the construction of a five-foot wide sidewalk with an 8-foot-wide buffer (minimum) along the Subject Property frontage MD 108 as shown on the Preliminary Plan.
- 10) A public access easement must be shown on the record plat for the sidewalk north of the Common Open Space which connects Porter Road to the adjacent Alloway Building (Parcel 451 on Tax Map JT42).

- 11) The Applicant must label all Private Alleys on the Certified Preliminary Plan and Certified Site Plan.
- 12) The Applicant must provide Private Alleys A-D, including any sidewalks, storm drainage facilities, street trees, street lights, private utility systems, and other necessary improvements as required by either the Preliminary Plan or Site Plan within the delineated areas (collectively, the "Private Alleys"), subject to the following conditions:
 - a) The record plat must show Private Alleys A, B, C and D in a separate parcel(s). The record plat must clearly delineate the Private Alleys and include a metes and bounds description of the boundaries of the Private Alleys.
 - b) Private Alleys B, C and D must be referenced on the plat and subject to the Declaration of Restrictive Covenant for Private Roads recorded among the Land Records of Montgomery County, Maryland in Book 54062 at Page 338, and the terms and conditions as required by the Montgomery County Code with regard to private roads set forth at § 50-4.3.E et seq.
 - c) The record plat must reflect a common use and access easement for Private Alley A.
 - d) The Certified Preliminary Plan and record plat must reflect utility easements as required for utility access on the Private Alleys.
- 13) The Certified Preliminary Plan must contain the following note:

"Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."
- 14) Prior to recordation of any plat, Site Plan No. 820180160 must be certified by Staff.
- 15) Record plat must show all necessary easements.
- 16) Final approval of the number and location of buildings, on-site parking, site circulation, sidewalks, and open spaces will be determined at site plan.
- 17) The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board Resolution.

SITE PLAN NO. 820180160: Staff recommends approval of Site Plan 820180160. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions. Planning Board approval of the Site Plan will vacate a previously approved site plan on a portion of the subject property - site plan No. 820080130, Chevy Chase Bank at Ashton.

Conformance with Previous Approvals & Agreements

1. Local Map Amendment Conformance

The Applicant must comply with binding elements of County Council Resolution No. 18-980 approving Local Map Amendment H-119.

2. Preliminary Plan Conformance

The Applicant must comply with the conditions of approval for Preliminary Plan No. 120180180.

3. The Applicant must comply with the following conditions of approval for the Final Forest Conservation Plan No. 820180160 ("FFCP"), approved as part of this Site Plan:

- a) Prior to Certification of the Site Plan, the Applicant must revise the FFCP to:
- b) The Final Sediment and Erosion Control Plan must be consistent with the limits of disturbance shown on the approved FFCP.
- c) The Applicant must comply with all tree protection and tree save measures shown on the approved FFCP. Tree save measures not specified on the approved FFCP may be required by the M-NCPPC forest conservation inspector.
- d) The Applicant must install permanent conservation easement signage along the perimeter of the Category I Conservation Easement. Signs must be installed a maximum of 100 feet apart with additional signs installed where the easement changes direction, or at the discretion of the M-NCPPC forest conservation inspector. The M-NCPPC forest Conservation inspector is authorized to determine the timing of sign installation.
- e) The Applicant must bond the variance tree mitigation as part of the Site Plan surety bond and must complete the installation of the tree mitigation in conjunction with completing the construction in the areas where the trees are to be located or as directed by the M-NCPPC forest conservation inspector.
- f) The Applicant must obtain the M-NCPPC, Office of the General Counsel approval of a Certificate of Compliance agreement for the offsite forest planting requirement prior to the start of clearing and grading.

4. Noise Attenuation

- a) Prior to approval of the Certified Site Plan, the Applicant must provide a noise analysis delineating the 60 dBA Ldn noise contour from Olney-Sandy Spring Road.
- b) Before issuance of any building permit, the Applicant must provide certification to Staff from an engineer who specializes in acoustical treatment that the building shell for residential dwelling units is designed to meet the projected 60 dBA Ldn noise contour and is designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
- c) Before issuance of any Use and Occupancy Certificate for residents, the Applicant must certify that the noise impacted units have been constructed in accordance with the certification of the engineer that specializes in acoustical treatments.

Housing

5. Moderately Priced Dwelling Units (MPDUs)

The Planning Board accepts the recommendations of the Department of Housing and Community Affairs (DHCA) in its letter dated September 11, 2018, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.

Public Use Space, Facilities and Amenities

6. Public Use Space, Facilities, and Amenities

- a) The Applicant must provide a minimum of 2,000 square feet of Public Open Space (10.6% of net lot area) on the CRT-zoned portion of the Subject Property.
- b) Before the issuance of use and occupancy certificate for the multi-use building, the Public Open Space area on the Subject Property must be completed, including:
 - a) Construction of the hardscape area between the building face and sidewalk.
 - b) Installation of benches and bike rack; and
 - c) Installation of landscaping, with a six-month grace period to allow for seasonal planting restrictions.
- c) The Applicant must provide a minimum of 10,500 square feet of Common Open Space (10.2% of net lot area) on the TF-10-zoned portion of the Subject Property.
- d) The record plat must reference the Common Open Space Covenant recorded at Liber 28045 Folio 578.
- e) Prior to final inspection of any townhouse unit on Lots 17 – 20, as shown on the Certified Site Plan, all Common Open Space areas on the Subject Property must be completed, including:
 - i. Installation of the multi-age play area, recreation equipment, arbors, and benches;
 - ii. Installation of all landscaping shown in the Common Open Space areas, with a six-month grace period to allow for seasonal planting restrictions; and
 - iii. Construction of the stairs, fencing, and gates in Common Open Space.

7. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to benches, retaining walls, arbors, recreation equipment, light fixtures, landscaping, fences, gates, stairs and pedestrian foot bridge.

Transportation & Circulation

8. The Planning Board accepts the recommendations of the MCDPS – Right-of-Way Section in its letter dated August 15, 2018, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Right-of-Way Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

9. Pedestrian & Bicycle Circulation

All internal sidewalks and pedestrian paths must be a minimum of five feet wide.

10. Site Design

The exterior architectural character, proportion, materials, and articulation of the multi-use building and townhouses must be substantially similar to the schematic elevations shown on the submitted architectural sheets, as determined by Staff. Specifically, the Applicant must provide at a minimum the following building element:

- a) Lots 1– 4
 - i. Maximum building height of 35 feet as measured from the street grade.
 - ii. All front and side facades shall use either masonry, wood or hardy/cement plank board material for siding and trim, or Staff approved equivalent.
 - iii. The units shall incorporate details such as horizontal banding to visually break up the front facades.
 - iv. Provide a minimum of six windows or alternative architectural features on the side facade.
- b) Lot 5 and 11
 - i. Provide a minimum of six windows or alternative architectural features on the side wall.
- c) Lots 5-20
 - i. Maximum building height of 40 feet.
- b) Lot 21 (Mixed-Use Building)
 - i. Maximum height of 30 feet.
 - ii. The front and side facades facing MD 108 shall use either masonry, wood or hardy/cement plank board material for siding and trim, or Staff approved equivalent.

11. Landscaping

- a) The Applicant must install the site elements as shown on the landscape plans submitted to M-NCPPC.
- b) The Applicant must install the plantings shown on the landscape plans submitted to M-NCPPC. Any variation in plant species or quantity needs approval of Staff.

12. Lighting

- a) Before issuance of any building permit, the Applicant must provide certification to Staff from a qualified professional that the lighting plans conform to the Illuminating Engineering Society of North America (IESNA) standards for residential and commercial development.
- b) All onsite down-lights must have full cut-off fixtures or industry equivalent.
- c) Illumination levels must not exceed 0.5 footcandles (fc) at any property line abutting county roads and residential properties.

- d) The light pole height including the mounting base must not exceed the height shown on the Certified Site Plan.

13. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit or sediment and erosion control permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements, including, but not limited to: plant material; on-site lighting; site furniture; bike racks; mailbox pad sites; seating walls; fences; railings; private streets and alleys including curb and gutter; paths; specialty pavement treatments; and any other associated improvements. The surety must be posted before issuance of the any building permit, or sediment control permit, and will be tied to the development program.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety will be followed by inspection and potential reduction of the surety.
- d) The bond or surety shall be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific Certified Site Plan sheets.

14. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

15. Certified Site Plan

Before approval of the Certified Site Plan, the following revisions must be made and/or information provided subject to Staff review and approval:

- a) The footprint of the townhouse units on Lots 5-10 must be 24 feet wide by 48 feet deep and the front of each unit must be setback a minimum of 7 feet from the Porter Road right-of-way line.
- b) The Applicant must show the provision of ADA accessible ramps at all locations where sidewalks end at a street.
- c) Include the stormwater management concept approval letter, and other applicable agency letters, development program, and Site Plan Resolution on the approval or cover sheet(s).
- d) Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices before any land disturbance."
- e) Add a note stating that "Minor modifications to the limits of disturbance shown on the Site Plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Maryland State Highway Administration."
- f) Modify data table if necessary to reflect development standards approved by the Planning Board.
- g) Ensure consistency of all details and layout between Site and Landscape plans.

SECTION 3 – SITE LOCATION & DESCRIPTION

Site Location

The subject property is located on both sides of Porter Road at its intersection with Olney-Sandy Spring Road (MD 108) approximately 350 feet west of New Hampshire Avenue (MD 650), in Ashton (Figure 3). The subject property consists of three parcels (P393, P447, P395, Tax Map JT42) and two lots (Lot 2 and Lot 3, Record Plat 1463), for a total of 3.04 acres of land ("Property" or "Subject Property"). The Subject Property is located within the Ashton Village Center identified in the 1998 *Sandy Spring/Ashton Master Plan* ("Master Plan").



Figure 3 – Vicinity Map

Site Vicinity

The Subject Property is in the southwest quadrant of the intersection of MD 108 and MD 650 and is surrounded by a mix of uses and building types. The area south of the Subject Property is predominately developed with single-family homes in the R-90 zone. The commercial properties to the east contain a gas station and commercial office building zoned CRT. The southeast quadrant of the intersection is mostly vacant with the exception being a bank which includes a three-aisle drive-through (CRT zone). The properties north of MD 108 are zoned PD and developed with townhouses and a single-story commercial shopping center (Ashton Village Center).



Figure 4 – Aerial

Site Description

Parcel P395 is split zoned CRT-0.75, C-0.75, R-0.25, H-35 and TF-10. The remainder of the Subject Property is all zoned TF-10. The Property is also within the Sandy Spring/Ashton Rural Village Overlay zone. Parcel P395 is the former Sole d'Italia site which contains a surface parking and a vacant restaurant. Lot 2 contains a single-family dwelling and part of a surface parking lot associated with the former restaurant. Parcel P393 also contains a single-family dwelling with a driveway off of Porter Road. The remainder of the Property (Lot 3 & P447) is undeveloped.

The Property is located within the headwaters of the Northwest Branch watershed, which is classified by the State of Maryland as Use Class IV-P waters. A tributary to the Northwest Branch originates on the Property. The Subject Property is split down the center by Porter Road. The topography on both sides of Porter Road is relatively flat. The western portion slopes at approximately 3% from MD 108 south to the rear of the forested parcel. On the east side of Porter Road, there is a small berm separating P395 from the gas station to the east then slopes from the northeast to the southwest corner at approximately 4 percent. The Property contains 1.02 acres of existing forest, and 0.82 acres of existing stream valley buffers. Of the 1.02 acres of forest, 0.71 acres are within the environmental buffer. There are no wetlands on the Subject Property, but one of the adjacent properties does containing area of wetland buffer. There are 32 significant trees and 23 specimen trees on the Subject Property. There are no steep slopes, or floodplains on or in near proximity to this site and the Property is not with a special protection area.

SECTION 4 – APPLICATIONS AND PROPOSAL

Previous Regulatory Approvals

Preliminary Plan No. 120070580 and Site Plan No. 820080130, Chevy Chase Bank at Ashton

A portion of the Subject Property contain previous development approvals. Parcel P395 and Lot 2, were the subject of Preliminary Plan No. 120070580 and Site Plan No. 820080130, Chevy Chase Bank at Ashton. The applications were approved in 2008 allowing for the construction of a 3,172 square foot bank and drive-through with 30 parking spaces in the rear of the building. The final record plat was never recorded, and the development was never constructed. As reflected in the conditions, if the Planning Board approves the Preliminary Plan and Site Plan applications, the previous approvals will automatically be vacated and superseded.

Local Map Amendment No. H-119: Porter Road

On December 5, 2017, the Montgomery County Council approved Local Map Amendment (LMA) No. H-119, Porter Road (Resolution No.:18-980), rezoning Lot 2, Lot 3, Parcel P393, Parcel P447 from R-90 and a sliver of Parcel P395 from CRT to TF-10 (Attachment A). The following binding elements were established as part of approval and shown on the Approved Floating Zone Plan (Figure 5 and Attachment B):

1. The following uses will be prohibited:

- Group Living
- Cultural Institution
- Golf Course/Country Club
- Community Swimming Pool
- Cable Communications System
- Amateur Radio Facility
- Lawn Maintenance Service
- Railroad Tracks
- Family Day Care, Group Day Care, Day Care Center
- Educational Institution
- Hospital
- Religious Institution

2. Buildings will be limited to townhouse building types and a maximum of 20 townhouses.
3. Buildings will be limited to a maximum building height of 40 feet and the following minimum setbacks:

Minimum Setbacks	
From any detached dwelling lot or land classified in a one family detached residential zone (side setback between lot and site boundary)	8 ft.
From any public street	7 ft.
From an adjoining lot	
• Side (end unit)	4 ft.
• Rear	18 ft.
• Rear setback, alley	4 ft.
• Rear setback between lot and site boundary	10 ft.

4. The minimum number of parking spaces required in the TF zone will be provided for each townhouse based on final count and type.
5. The required number of Moderately Priced Dwelling Units will be provided either on the property proposed for the TF zone or on the CRT- zoned portion of the site, with the locations to be determined at site plan.
6. Appropriate fencing or landscape screening will be provided at the northwest corner of the site, along the border between the subject property and neighboring homes.
7. The four townhouse units facing MD 108 will be no greater than 35' in height as measured from street grade.

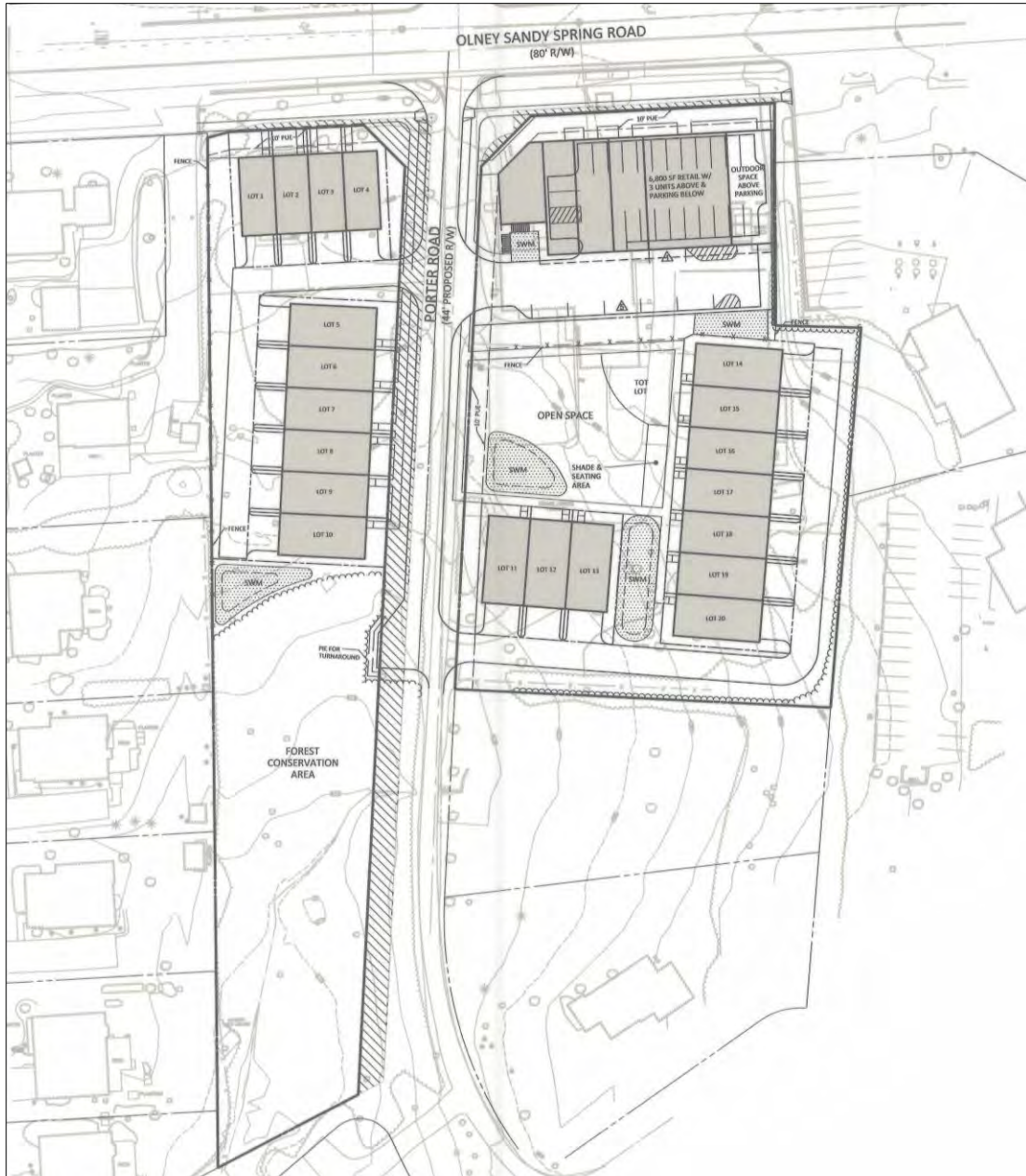


Figure 5 – Approved Floating Zone Plan (FZP “A”) Illustrative design



Figure 6 – Site Plan Rendering

Current Applications

Preliminary Plan 120180180

Preliminary Plan No. 120180180, Ashton Market, proposes to subdivide the Subject Property into 20 lots for 20 townhouses, and one lot for a multi-use building with up to 6,800 square feet of commercial space and 3 multi-family dwelling units (MPDUs). The Preliminary Plan was reviewed for conformance with Chapter 50, Subdivision Regulations and for conformance with the recommendations of the 1998 *Sandy Spring/Ashton Master Plan*.



Figure 7 – Multi-use Building Rendering (Illustrative)

Site Plan 820180160

Site Plan No. 820180160 proposes to construct 20 one-family attached dwellings (townhouses), a multi-use building including 6,800 square feet of ground floor restaurant/retail space and a second floor containing 3 multi-family dwelling units (MPDU's), associated garage/podium parking, surface parking and open space on the Subject Property. The Site Plan was reviewed for conformance to Chapter 59, the Zoning Ordinance.

Different development standards apply to the two building types proposed. To delineate the different review criteria, the TF-10 zoned portion ("Townhouse Development") and the CRT zoned portion ("Multi-use Building") of the Subject Property have been separated in certain sections of the Staff Report.

Proposal

Collectively, the Preliminary Plan and the Site Plan are also referred to as the Applications ("Applications"). The Applicant is also upgrading Porter Road and creating a temporary turnaround at the southern extent of the Subject Property. The Applicant is dedicating a total of 11,065 square feet/0.254 acres of land along the Property's frontage to achieve the full master planned right-of-way width recommended for MD 108, which is 80 feet and the additional right-of-way needed to provide a 50-foot right-of-way for Porter Road. The Applicant is removing the existing single-family house, commercial building, and asphalt paving. All access to the buildings on the Property will be from Porter Road. The new multi-use building will be built into the existing slope of the Property, so the main floor is at grade along the front of the building (MD 108 street level) with outdoor patio and deck space on either side of the building. The 20 townhouses are divided into 4 sticks and equally distributed on the Property, with one stick of 6 and one stick of 4 on each side of Porter Road. On the west side of Porter Road, there will be a stick of 4 (22 ft. x 40 ft. units) and a stick of 6 (24 ft. x 48 ft. units); the two sticks on the east side of Porter Road consist of 24 ft. by 50 ft. units.

The majority of commercial parking (19 spaces) will be provided in a parking garage below the retail which will be partially below grade and accessed from the rear. An additional 12 parking spaces will be provided in a surface parking lot behind the mixed-use building. Each townhouse has a rear loaded two car garage and an 18-foot-long driveway capable of accommodating an additional two vehicles. In addition to the on-site parking, the Applicant plans to offer off-site parking opportunities for overflow commercial and residential parking on an adjacent property, which is also owned by the Applicant and contains an office/professional building known as the Alloway Building (17830 New Hampshire). Offsite parking arrangements are outside the scope of the Applications since all parking requirements are being met onsite.

The Applicant is providing 2,000 square feet of Public Open Space on the CRT zoned portion of the Property and 10,500 square feet of Common Open Space on the TF-10 zoned portion of the Property in accordance with zoning requirements. The Public Open Space is located along the frontage of the Property, east of Porter Road between the multi-use building and MD 108. The Public Open Space features a hardscape area, seating, bike racks, pedestrian scale lighting, and street trees that will provide shade.

The Common Open Space is a rectangular space which runs the length of the south east property line and connects the forested stream valley buffer (conservation area) west of Porter Road to the eastern half of the Subject Property which contains stream valley buffer. The Common Open Space also includes a seating area with two benches, covered by individual arbors for shade, a multi-age play area, a stormwater management element and a pedestrian connection to the off-site parking area on the adjoining property (Alloway Building).

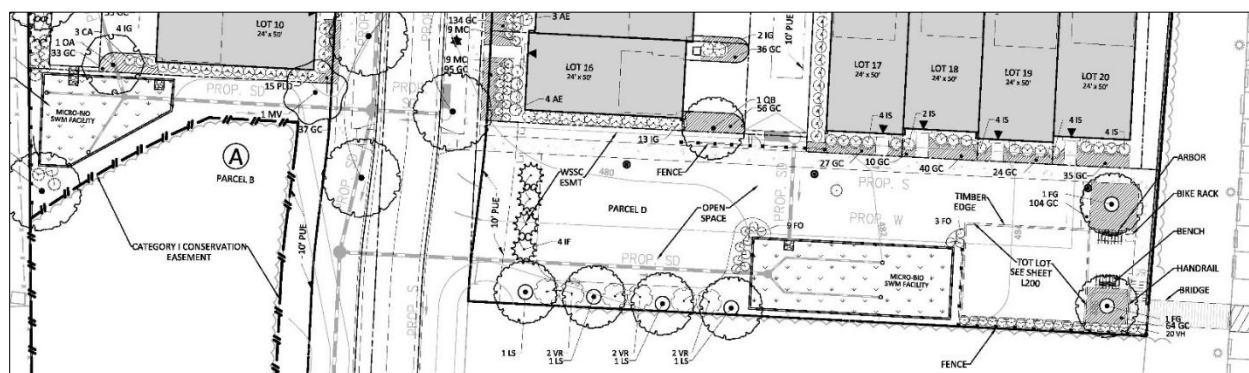


Figure 8 – Common Open Space

The Property is within the W-1 and S-1 water and sewer service categories, respectively. The new structures will be served by public (community) water and sewer, which is consistent with the category designations for the Property. Stormwater management goals will be met using five micro-bioretenction facilities. The Applicant proposes to remove approximately 0.47 acres of the 1.02 acres of forest on-site for necessary grading and construction of townhomes, improvements to Porter Road, and stormwater management facilities, and retain the remaining 0.55 acres of existing forest on-site within a Category I Conservation Easement. This Application also includes a combined Preliminary/Final Forest Conservation Plan and a tree variance request.

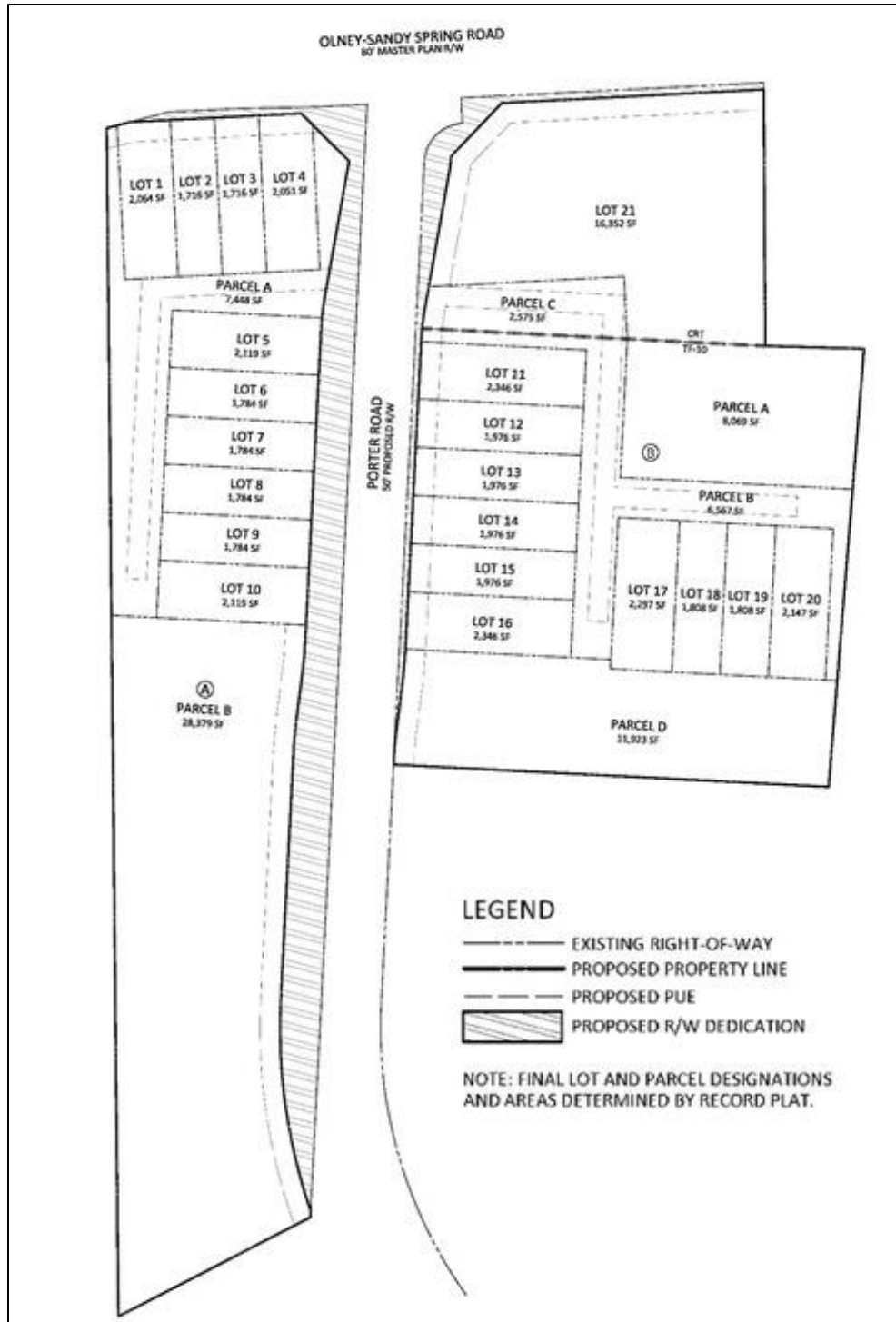


Figure 9 – Lotting Diagram

SECTION 5 – ANALYSIS AND FINDINGS - Preliminary Plan No. 120180180

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations and meets all applicable sections, as discussed below.

Section 50.4.2.D. of Montgomery County Code Chapter 50: Subdivision of Land describes the required findings for a preliminary plan, including subdivision layout, master plan compliance, adequate public facilities, and Forest Conservation Law requirements, as follows:

1. *The layout of the subdivision, including size, width, shape, orientation and diversity of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59*

- a. The block design is appropriate for the development or use contemplated

The design of the two proposed blocks (A & B) shown on the Preliminary Plan are appropriate for the development given the size, shape and location of the Subject Property. The Subject Property is divided by Porter Road and surrounded by right-of-way, previously developed property or recorded lots. Block A is west of Porter Road and Block B is on the east. At its longest and widest points, Block A is approximately 590 feet long and 120 feet wide. Block B is a maximum of approximately 350 feet long and 220 feet wide. Both blocks are well below the 1,600-foot maximum length. The block design provides adequate spacing to allow for vehicular and pedestrian circulation. The proposed blocks are appropriately designed for the development as shown on the Preliminary Plan.

- b. The lot design is appropriate for the development or use contemplated

The size, width, shape and orientation of the proposed lots are appropriate for the location of the subdivision, taking into account the approved binding elements of H-119, the recommendations included in the 1998 *Sandy Spring/Ashton Master Plan* and SSA Overlay Zone. Each lot can adequately accommodate the proposed uses on the lot, including all necessary infrastructure necessary to serve the use.

- c. The Preliminary Plan provides for required public sites and adequate open areas

Master Planned Sites

There are no master-planned sites on the Property.

Local Recreation

The Applicant has provided 10% Common Open Space area and additional areas of open space scattered around the Property where recreational facilities could be located. The Floating Zone Plan requires 10% Common Open Space. The Applicant has provided two spaces in the development that provide the minimum required Common Open Space. The specific details and placement of recreational facilities will be determined at site plan, but the Preliminary Plan does provide adequate space to accommodate recreational uses.

Areas for public roads, utilities and storm drains

The Applicant is providing space for all required public and private roads, other internal circulation elements (sidewalks and alleys), parking and is providing all necessary easements for stormwater management facilities and public utilities.

- d. The Lots and Uses comply with the basic requirements of Chapter 59

Townhouse development

The lots were reviewed for compliance with the dimensional requirements for the TF-10 zone (Equivalent Euclidean- TLD zone), standards of the Sandy Spring/Ashton Rural Village Overlay zone and as specified in the Zoning Ordinance and stipulated in the binding elements of the approved Floating Zone Plan. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in Table .

With regard to the townhouse use and maximum allowable density, the Hearing Examiner has already found (as part of the LMA) that in combination with the aforementioned binding elements, up to 20 townhouses are a permitted use on the TF-10 portion of the Property. Section 5.2.5. of the Zoning Code (Residential Floating Zones: Development Standards) stipulates that minimum lot size, maximum height, and setbacks from the site boundary are established by the FZP (i.e. binding elements), but all other setbacks are established by the Site Plan.

Table 1: Preliminary Plan Data Table
TF-10 zone and SSA Overlay zone- Townhouse Building Type

Development Standard	Permitted/Required (TF-10, SSA Overlay zone or LMA)	Approved LMA H-119	Proposed
Site			
Common Open Space (min.)	10% (10,263 SF)	10% (10,263 SF)	10.2% (10,500 SF)
Lot and Density			
Lot Area (Minimum)	Determined at Site Plan/Overlay zone	900 sq. ft (Min. per Overlay)	1,700 sq. ft
TF-10 Zone Density Max	LMA	20 market rate du's 3 MPDU's	20 market rate du's 3 MPDU's ¹
Placement			
Setback from any public street	LMA	7 ft.	7 ft.
Side Setback:			
- end unit (from site boundary)	LMA	4 ft.	4ft.
Rear Setback:			

¹ As approved by the Montgomery County Department of Housing and Community Affairs, the MPDU's associated with the townhouse development are being provided in the mixed-use building in the CRT zone.

Development Standard	Permitted/Required (TF-10, SSA Overlay zone or LMA)	Approved LMA H-119	Proposed
- adjoining lot	LMA	18 ft.	18 ft.
- alley	LMA	4 ft.	4 ft.
- between lot and site boundary	LMA	10 ft.	10 ft.
Principal Building Height (maximum)			
Along MD 108 (4 units)	LMA	35 ft.	35 ft.*
All lots not fronting on MD 108	LMA	40 ft.	40 ft.*
*See SSA Overlay zone height request			

Multi-Use Building

The lot was reviewed for compliance with the dimensional requirements for the development of a multi-use building type under the standard method in the CRT Zone and SSA Overlay zone. Although the proposed development is standard method, in the SSA Overlay zone a site plan is required for the construction of a new building and must meet the use standards under Section 59.4.9.15.E. The additional standards of the SSA Overlay zone are addressed in detail as part of the concurrent Site Plan.

The proposed lot meets all the dimensional requirements for area, frontage, width, and setbacks in the CRT Zone. A summary of this review is included in Table 2. The exact building location, setbacks and additional requirements of the zone will be determined at site plan. The Application has been reviewed by other applicable County agencies, all of whom have recommended approval of the Preliminary Plan.

Table 2: Preliminary Plan Data Table
CRT zone and SSA Overlay zone- Multi-Use Building Type

Development Standard	Required/Permitted	Proposed
Density		
Maximum Density	0.75 FAR (21,838 sf)	0.34 FAR (9,900 sf)
Commercial	0.75 FAR (21,838 sf)	0.23 FAR (6,800 sf)
Residential	0.25 FAR (7,279 sf)	0.11 FAR (3,100 sf)
Lot (min) – Multi-Use Building		
<ul style="list-style-type: none"> - Lot area - Width at front building line - Width at front lot line 	n/a	n/a
Lot Coverage (max)	n/a	n/a
Building Setbacks (min.)		
Front Setback from Site Boundary	-0-	10 ft.
Side Setback from Site Boundary	-0-	-0-
Rear Setback from Site Boundary	-0-	20 ft.
Building Height (max)	24 ft. or 30 ft. at site plan	30 ft. (See Site Plan)
Open Space and Parking		
Minimum Open Space	10% Public Open Space (1,887 SF)	10.6% (2,000 SF)
Total Min. Parking	26 spaces	31 spaces plus off-site overflow
<ul style="list-style-type: none"> - Min. Residential Parking 	2 spaces (0.5 per 1-2 BR MPDU)	3 spaces
<ul style="list-style-type: none"> - Min. Retail Parking 	24 spaces (3.5 per 1,000 SF)	28 spaces
Min. Bicycle Parking	2 spaces (0.5 per unit + 1 per 10,000 SF)	2 racks with 2 spaces each
Site Plan Required	Yes – Required for TF-10 and new buildings in SSA Overlay zone	Concurrent

The Preliminary Plan has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Preliminary Plan meets all applicable sections. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision taking into account the recommendations of the Master Plan, and the intended uses.

2. *The Preliminary Plan substantially conforms to the Master Plan or Urban Renewal Plan*

The Preliminary Plan is in substantial conformance to the recommendations of the 1998 *Sandy Spring/Ashton Master Plan*. The Subject Property is within the “Ashton Village Center” as designated in the Master Plan (pg.38). The fundamental objective of the Master Plan was to preserve the rural character of the Sandy Spring/Ashton Area and revitalize the Village Centers.

For the Ashton Village Center, the Master Plan confirmed existing land use recommendations as well as the existing zoning pattern. The Master Plan recommended the creation of the Sandy Spring Rural Village Overlay zone and provides development guidelines to be used in connection with development of properties within the Sandy Spring and Ashton Village Centers. The residential portion of the Application modestly increases densities while maintaining the scale and pattern of development in the Ashton Village Center, with most of the townhomes located along Porter Road away from MD 108. Building heights are in keeping with nearby homes and enhance the mixed residential and

commercial character of the village. The multi-use building is appropriately located along MD 108 and is consistent with Master Plan's development guidelines for land uses, building height and location. The design of the mixed-use building is also consistent with Master Plan guidelines for activated streets and a focus on pedestrian activities. Locating parking beneath the building with a rear entrance meets guidelines for parking scale and placement. Throughout the review process, the Applicant has made numerous design modifications that implement the Master Plan's design guidelines. As recommended by the Master Plan, the proposed building was specifically designed using some of the design elements and characteristics present in Sandy Spring historic district.

3. *Public Facilities will be adequate to support and service the area of the subdivision*

a. Roads and Other Transportation Facilities

Transportation access is adequate to serve the proposed development by this Preliminary Plan. The Subject Property has frontage on Olney-Sandy Spring Road and access to the lots will be via Porter Road, both public roads. The Application proposes to upgrade the Porter Road and create a network of private streets/alleys to serve the multi-use building and both clusters of townhomes.

Metro Bus Route Z2 serves the Subject Property with a bus stop in front of the property, for eastbound and west bound travel to Olney and Silver Spring. Pedestrian facilities within the area consist of a sidewalk on the south side of Olney-Sandy Spring Road, including a three to four-foot wide sidewalk along the property frontage on the south side of the road, and sidewalks along small sections of property frontage near the intersection of Olney-Sandy Spring Road and New Hampshire Avenue.

Parking

The Application provides more parking than required by zoning for the multi-use building (five additional spaces) and provides the required two, off-street parking spaces for each townhouse lot (two car garages). In addition, the townhouse lots have been designed to be long enough to accommodate up to two additional vehicles in each driveway. The Applicant is also providing more than the required bicycle parking, with four short-term bicycle parking spaces by the retail building (two racks) and four short-term bicycle parking spaces in the Common Open Space (two racks).

Nearby Planned Transportation Projects

The Maryland State Highway Administration has planned a sidewalk and curb and gutter project on the north side of Olney-Sandy Spring Road from Brooke Road (to the west of the Property) to New Hampshire Avenue (to the east of the Property). Based on information from MDSHA, this project is currently on hold.

Master Planned Improvements

Olney-Sandy Spring Road is a Master Planned Arterial Road (A-92) with a minimum 80-foot right-of-way and is envisioned to be a maximum of three lanes configured as follows: two through lanes and, where needed, one auxiliary lane used for turning lanes or acceleration/deceleration lanes. In both the 2005 *Countywide Bikeways Functional Master Plan* and the 2018 *Planning Board Draft Bicycle Master Plan*, Olney-Sandy Spring Road is also designated to have a side path on the north side, opposite the Subject Property. The Preliminary Plan is providing the necessary dedication to provide 40 feet from the centerline of Olney-Sandy Spring Road across the entire Property frontage, an average dedication of approximately 3.5 feet, and is also providing a five-foot wide sidewalk along the full frontage set back from the curb by more than 10 feet.

Road Design

As part of the necessary frontage improvements, the Applicant is constructing Porter Road, which is currently improved as a rough asphalt driveway and unmaintained by the County, to Montgomery County Tertiary Residential Street standards (MC-2001.02). Sidewalks will be constructed on both sides down to the proposed Common Open Space park. The improved Porter Road will terminate in a temporary turnaround (hammerhead) in accordance with MC-223.01 at the southern end of the Subject Property. A hammerhead is proposed as a temporary termination of the improved road which the Applicant will build and turnover to Montgomery County for maintenance. Beyond the hammerhead (south) the roadway will remain in its current condition and continue to serve three homes. Montgomery County does not maintain that portion of the road. The hammerhead is recommended to allow County maintenance vehicles an opportunity to turn around. The hammerhead also provides an opportunity for the motoring public to turn around should they find the remainder of Porter Road non-navigable.

The Applicant is also improving the Property frontage on MD-108 in concert with constructing Porter Road. The existing lane configuration will remain, preserving the rural character of the road and improving the “main street” character within the village as envisioned by the Master Plan (pg.50). The uncontrolled driveway apron in front of the existing commercial building will be eliminated. New curbing, a 10-foot-wide grass tree panel and a 5-foot wide sidewalk will be installed. The new curb and tree panel will create a clear separation between the road and the pedestrian realm consistent with the cross-section identified in the Master Plan.

Justification for Private Alleys

In addition to upgrading Porter Road, the Applicant is proposing a network of private alleys to serve the multi-use building and the townhomes. To avoid front-loaded townhouses with multiple curb-cuts on Porter road, the proposed townhouses are rear loaded, accessible from the alleys. None of the alleys provide through access. Per section 50.4.3.E.4.b of the Subdivision Code, the Applicant has provided justification for creating private alleys and identified the design elements that do not meet the standard residential alley (MC-200.01) design standard.

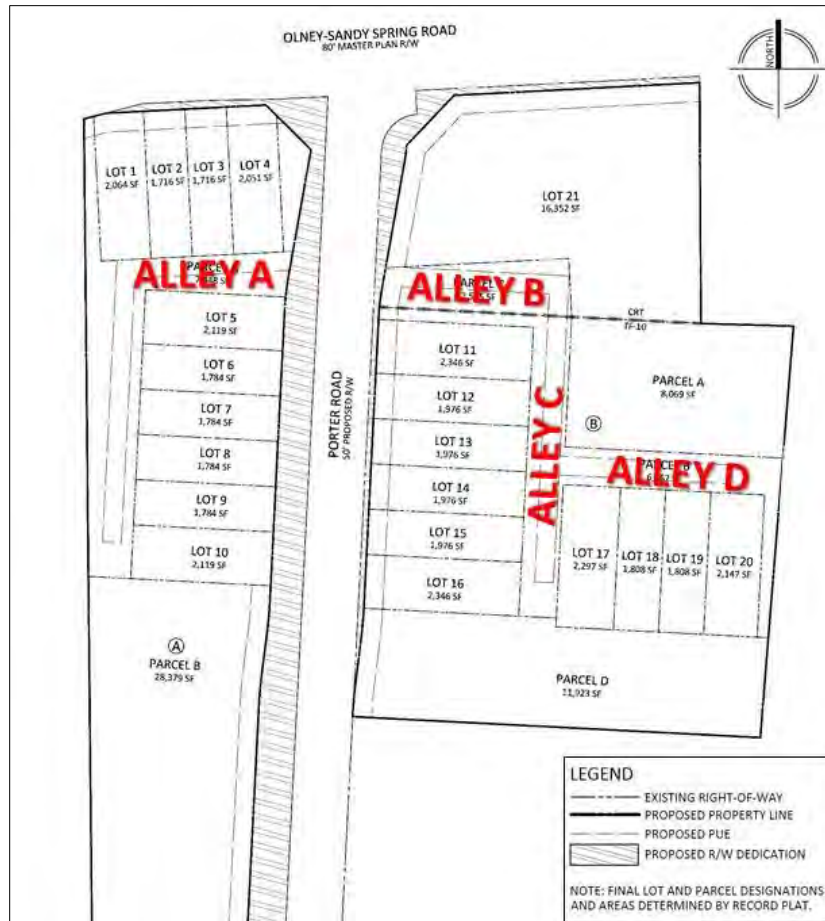


Figure 10 – Private Alleys Illustrative (Labeled for Staff Report purposes only)

As shown on the Approved Fire Access Plan (Attachment C), Alley B and Alley C will provide emergency vehicle access and have 20 feet of pavement, within a 20-foot-wide parcel, and will be constructed to tertiary standards. Alley A will have 16-foot wide right-of-way with 16 feet of paving and will provide access to the rear loaded garages on Lots 1-10. Alley A is not needed to satisfy lot frontage requirements or to provide emergency vehicle access, so reducing the right-of-way width from the standard residential alley width of 20 feet to 16 feet is acceptable. Alley A will be constructed to the structural standards of a residential alley and covered by an access easement. Lots 17-20 do not have frontage on a public road like Lots 1-16, therefore Alleys B, C and D are needed to serve as access and frontage for Lots 17-20.

Justification of Curbs and Gutters

The Applicant has proposed curbs and gutters along Porter Road although the Subject Property is located in a Class IV watershed that is considered environmentally sensitive. Chapter 49, Article 3 (Streets and Roads, Road Design and Construction Code), Section 33, Road Construction Requirements, subsection (I)(1)(A) prohibits the installation of any curb or gutter in any portion of a road that is in an environmentally sensitive watershed area. However, subsection (I)(2) permits the Director of Permitting Services to allow installation of curbs and gutters in a portion of a road located in an environmentally sensitive area *after giving the Planning Board a reasonable opportunity to comment, if:*

- (A) installing curbs and gutters will not significantly degrade water quality in the area;
- (B) curbs and gutters are necessary for vehicular or pedestrian safety or the proper grading or maintenance of the road, or to reduce the environmental impact of the road on any park, forest, or wetland; and
- (C) a preliminary subdivision plan or site plan approved by the Planning Board for the land abutting the portion of the road where curbs and gutters may be installed expressly permits the curbs and gutters to be installed, if either plan is required for the land in question.

Installation of the curb and gutter will capture run-off from the streets and direct any pollutants and sediment into a storm drain system running to downstream stormwater management facilities. The stormwater management facilities, which incorporate Environmental Site Design standards, will treat the run-off and the MCDPS has found the stormwater management concept for the proposed project to be acceptable (Attachment D). Therefore, the proposed design including curbs and gutters will maintain and not significantly degrade water quality in the area.

Curbs and gutters provide vertical separation between pedestrians and vehicles, maximizing public safety for pedestrian and drivers by creating a barrier between cars and pedestrians/trees. Additionally, illegal parking along this road will also be deterred with curbs and gutters saving trees and pedestrians from damage and conflicts, respectively. Finally, curb and gutter is in keeping with the character of the area as established in adjacent development that provided similar conditions with a curb, tree panel, and sidewalk. Staff supports the use of curbs and gutters shown on the Preliminary Plan.

Additional Transportation Analysis

During the Local Map Amendment hearing for the Subject Property, several community members expressed concerns that the proposed development would exacerbate vehicular delay and create unsafe traffic conditions in front of the Property. Based on these concerns the Applicant conducted a gap analysis to determine if there were adequate breaks in adjacent street traffic for to enter and leave the Property during peak morning and evening hours. Based on the that analysis (Attachment E), sufficient gaps in traffic exist for safe and efficient site operation (Table 3, however, the Maryland State Highway Administration recommended improvements to improve site access.

Table 3: Available Gaps Per Hour for Entering and Existing Porter Road

Available Gaps	AM Peak Hour	PM Peak Hour
Left Turn from MD 108 onto Porter Road (>5.5 Seconds)	97	99
Right Turn from Porter Road (>6.2 seconds)	78+	78+
Left Turn from Porter Road (>7.1 seconds)	78	65

Source: Ashton Market Gap Study, performed by STS Consulting dated June 29, 2018

The Maryland State Highway Administration (MDSHA) reviewed the queueing analysis and concluded that several improvements would help to preserve additional gaps in traffic during the evening peak period, which was a time period of concern based on their letter dated August 24, 2018 (Attachment F). Planning Staff support MDSHA's recommended improvements and are including them as conditions for this project. MDSHA's recommended improvements include the following:

- Shorten the cycle lengths at the MD 108 and MD 650 intersection to create more gap opportunities for Porter Road users.
- The developer must install signage and appropriate pavement markings (i.e., Do Not Block Intersection) to the satisfaction of MDSHA to ensure safe ingress and egress at Porter Road at MD 108.

a. Local Area Transportation Review (LATR)

The Preliminary Plan was reviewed using the 2016-2020 Subdivision Staging Policy and associated 2017 Local Area Transportation Review (LATR) Guidelines. The project would generate 58 person trips during the AM weekday peak period and 147 person trips during the PM weekday peak period based on the *ITE Trip Generation Manual*, 9th Edition and adjusted for the Rural East policy area. (Excluding pass-by trips, the project would generate 58 AM and 112 PM person trips.) Because the project generated 50 or more person trips, a traffic study was required to satisfy the LATR Guidelines.

The traffic study was completed on June 28, 2018 and studied two local signalized intersections on either side of the project's unsignalized entrance on Porter Road. All study area intersections were located within the Rural East policy area, which has a Critical Lane Volume (CLV) standard of 1350. The traffic study looked at existing conditions, background conditions which include approved but unbuilt projects that may send trips through the study area intersections, and total future traffic which adds the projected impact of the subject Application to the background traffic. None of the critical intersections exceed the policy area congestion standard under the future traffic condition. Since the CLV analysis was within acceptable levels, no infrastructure improvements are required to satisfy the LATR guidelines. The critical intersections and the analysis of the CLV standards are shown in Table 4 below.

Table 4: Critical Intersection Capacity

Intersection	CLV Analysis					
	Existing		Background		Total Future	
	AM	PM	AM	PM	AM	PM
Olney-Sandy Spring Road (MD 108) and New Hampshire Avenue (MD 650)	1058	1041	1112	1092	1118	1098
Olney-Sandy Spring Road (MD 108) and Sherwood High School	889	974	931	1029	944	1060

Source: Ashton Market Traffic Study, performed by STS Consulting dated June 28, 2018

b. School Adequacy Analysis

Applicable School Test

Preliminary Plan No. 120180180 for Ashton Market is scheduled before the Planning Board for review during FY19, therefore the applicable annual school test is the FY19 Annual School Test, approved by the Planning Board on June 21, 2018 and effective July 1, 2018.

Calculation of Student Generation

To calculate the number of students generated by the proposed development, the number of dwelling units is multiplied by the applicable student generation rate for each school level. Dwelling units are categorized by structure type: single family detached, single family attached

(townhouse), low- to mid-rise multifamily unit, or high-rise multifamily unit. The Subject Property is located in the Upcounty Region of the County.

Table 5: Per Unit Student Generation Rates – Upcounty Region

	Elementary School	Middle School	High School
SF Detached	0.214	0.123	0.168
SF Attached	0.251	0.116	0.151
MF Low- to Mid-Rise	0.204	0.074	0.099
MF High-Rise	0.074	0.031	0.037

With a net of 20 single family attached units, 3 multifamily low-rise units, and -1 single family detached unit, the proposed project is estimated to generate the following number of students:

Type of Unit	Net Number of Units	ES Generation Rates	ES Students Generated	MS Generation Rates	MS Students Generated	HS Generation Rates	HS Students Generated
SF Detached	-1	0.214	-0.214	0.123	-0.123	0.168	-0.168
SF Attached	20	0.251	5.020	0.116	2.320	0.151	3.020
MF Low-Rise	3	0.204	0.612	0.074	0.222	0.099	0.297
TOTAL	22		5		2		3

This project is estimated to generate 5 new elementary school students, 2 new middle school students, and 3 new high school students.

Cluster Adequacy Test

The project is located in the Sherwood High School Cluster. The student enrollment and capacity projections from the FY19 Annual School Test for the Sherwood Cluster are noted in the following table:

School Level	Projected Cluster Totals, September 2023			Moratorium Enrollment Threshold	Projected Enrollment + Application Impact
	Enrollment	Program Capacity	% Utilization		
Elementary	2,111	2,487	84.9%	2,985	2,116
Middle	1,167	1,458	80.0%	1,750	1,169
High	2,054	2,188	93.9%	2,626	2,057

The Moratorium Enrollment Threshold identified in the table is the enrollment at which the 120% utilization threshold is exceeded, resulting in a cluster-wide residential development moratorium. As indicated in the last column, the projected enrollment plus the estimated impact of this application fall below the moratorium thresholds at all three school levels. Therefore, there is sufficient capacity at the elementary, middle and high school cluster levels to accommodate the estimated number of students generated by this project.

Individual School Adequacy Test

The applicable elementary and middle schools for this project are Sherwood ES and William H. Farquhar MS, respectively. Based on the FY19 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

School	Projected School Totals, September 2023				Moratorium Enrollment Thresholds		Projected Enrollment + Application Impact
	Enrollment	Program Capacity	% Utilization	Surplus/ Deficit	120% Utilization	Surplus/ Deficit	
Sherwood ES	432	547	79.0%	+115	657	657	437
Farquhar MS	592	800	74.0%	+208	961	980	594

Under the individual school adequacy test, a school is deemed inadequate if the projected school utilization rate exceeds 120% and if the school seat deficit meets or exceeds 110 seats for the elementary school or 180 seats for the middle school. If a school's projected enrollment exceeds *both* thresholds, then the school service area is placed in a residential development moratorium.

The Moratorium Enrollment Thresholds identified in the table above are the enrollments at which the 120% utilization threshold and the seat deficit threshold are exceeded. As indicated in the last column, the projected enrollment plus the estimated impact of this application falls below both applicable moratorium thresholds for both Sherwood ES and Farquhar MS. Therefore, there is sufficient anticipated school capacity to accommodate the estimated number of students generated by this project.

School Adequacy Analysis Conclusion

Based on the school cluster and individual school capacity analysis performed, using the FY2019 Annual School Test, there is adequate school capacity for the amount of residential development proposed by this Application.

c. Other Public Facilities and Services

The Subject Property is in sewer category S-1 and water category W-1 which is consistent with the Applicant's proposal to connect to public water and sewer which are available and adequate to serve the development. New water lines will tie into the existing water line in MD 108 to serve the lots. Because the topography of the Property, sewer service for Lots 1-4 and the multi-use building will be tied into the existing sewer line in MD 108, and the remainder of the units will connect to a new sewer line that is being extended to an existing manhole southwest of the Subject Property (within the Porter Road right-of-way).

The existing electrical service provided by PEPCO will be upgraded to serve the proposed multi-use building. New electrical service and gas line will be provided for the townhomes via a utilities easement within the private road/alley system.

The Application has been reviewed by the MCDPS Fire Department Access and Water Supply Section, which determined that the Property has adequate access for fire and rescue vehicles by transmittal dated August 30, 2018.

Other public facilities and services, such as police stations, firehouses and health services are currently operating within the standards set by the 2016-2020 Subdivision Staging Policy.

4. *All Forest Conservation Law, Chapter 22A requirements are satisfied*

a. Natural Resource Inventory/Forest Stand Delineation

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) #420170860 for the Property was approved on March 15, 2017. The NRI/FSD identifies the environmental features and forest resources on the Property. The Property contains approximately 1.02 acres of forest, including approximately 0.71 acres of forested stream valley buffer. The forest is all located on the west side of Porter Road. There is one perennial stream that originates at a spring on the Property, on the east side of Porter Road and flows in a southwestern direction under Porter Road via an existing culvert before meandering through the on-site forest and exiting the Property in the southwestern corner of the Property. The associated stream buffer is bifurcated by existing Porter Road and includes an unforested portion on the east side of the road and a forested portion on the west side of Porter Road. There are no wetlands, 100-year floodplain, highly erodible soils, or slopes greater than 25 percent on the Property. There are 56 trees greater than or equal to 24" Diameter at Breast Height (DBH) that were identified on or adjacent to the Subject Property, 23 of which are 30" DBH and greater.

Stream Buffer Encroachments

The Application is subject to the *Guidelines for Environmental Management of Development in Montgomery County* (January 2000) (Environmental Guidelines), which includes guidance for the protection of streams and their buffers. Section IV-A1 of the Environmental Guidelines allows for some encroachments within the stream buffer under certain circumstances, and when determined by staff that there are no reasonable alternatives and the impacts have been minimized as much as possible.

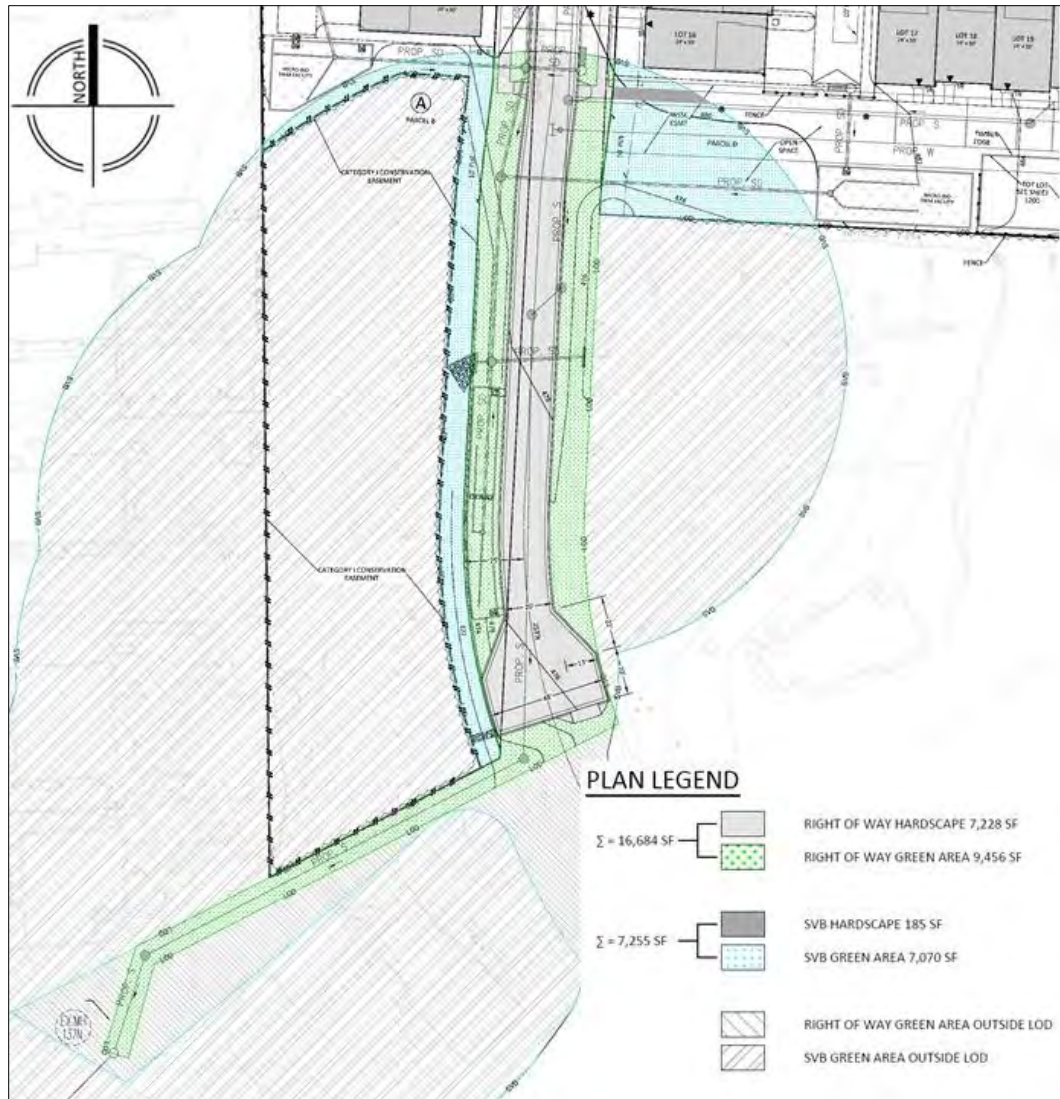


Figure 11 – Proposed Stream Buffer Encroachment

The Application proposes to impact the stream buffer to: 1) provide required dedication for road right-of-way and public utility easement, and construct necessary improvements including 5-foot wide sidewalks along Porter Road, an existing public road, 2) construct storm drain connections from required stormwater management facilities, and 3) construct necessary water and sewer connections. These impacts are highlighted on the attached Stream Valley Buffer Impact Exhibit (Figure 11). In addition to these proposed areas of disturbance, the Applicant has requested to exclude an unforested portion of the stream buffer located on the east side of Porter Road from the Category I conservation easement to allow this area to be utilized as open space.

Section IV-A1(e) of the Environmental Guidelines includes five factors for consideration when evaluating proposed stream buffer encroachments:

1. Reasonable alternatives for avoidance of the buffer are not available.

The proposed disturbances with the stream buffer cannot be reasonably avoided. Porter Road is an existing public road that provides access to existing homes as well as the proposed development. The stream buffer that will be applied to this Property will be bifurcated by the existing road. The dedication of right-of-way and public utility easement is an unavoidable requirement. The existing road cannot reasonably be relocated outside of the stream buffer and the improvements to the road and the addition of sidewalks along one side are necessary to serve the existing and proposed developments. The storm drain connections are necessary to convey the stormwater from the stormwater management facilities to the existing storm drain system, and the water and sewer construction is necessary to provide service to the development and connect to the existing system located in the stream valley buffer. The portion of the stream buffer to be excluded from the conservation easement to allow for open space is currently an open grassed area that will be maintained in a natural condition with grass and tree and shrub plantings.

2. *Encroachment into the buffer has been minimized.*

Staff and the Applicant worked together to revise the layout and design of the development to avoid and minimize impacts to the stream buffer to the extent practical. At the time of the re-zoning, the Application included additional, permanent impacts to the stream buffer including new roads and homes. At the time of the re-zoning review, Staff expressed concern that the proposed encroachments were not in conformance with the *Environmental Guidelines* as the impacts could be minimized and were potentially avoidable. These concerns were expressed at the Planning Board hearing and in the transmittal letter to the Hearing Examiner dated May 30, 2017 (Attachment G). The memo noted that further evaluation of the proposed impacts to the stream buffer would occur during the review of the preliminary plan and site plan. Subsequently, the layout was redesigned to eliminate these impacts and limit them to those associated with the existing Porter Road, and necessary utility connections. The portion of the buffer to be utilized as Open Space was limited to the non-forested portion of the buffer that has been previously altered. Although this portion of the stream buffer will not be protected in a conservation easement, the Landscape Plan includes the planting of native trees and shrubs, and the requirements of the Site Plan will offer some protection for this area. The resulting layout demonstrates considerable effort on the part of Staff and the Applicant to avoid and minimize impacts to the stream buffer, as recommended in the *Environmental Guidelines*.

3. *Existing sensitive areas have been avoided (forest, wetlands and their state designated buffers, floodplain, steep slopes, and habitat for rare, threatened, and endangered species and their associated protection buffers).*

The impacts to existing sensitive areas have been avoided to the greatest extent possible. There are no wetlands, 100-year floodplain, steep slopes, or known habitat for rare, threatened, and endangered species on the Property. The majority of the forested stream buffer will be protected in a Category I conservation easement, with the exception being those areas within the right-of-way dedication for Porter Road, and the storm drain, water and sewer connections. The proposed Open Space area is located in an unforested portion of the stream buffer. Approximately 150 square feet of wetland buffer that is associated with an off-site wetland will be impacted by the proposed sewer connection. The existing sewer manhole is located within the wetland buffer and the impact is unavoidable. The impacted area will be returned to the existing grade after construction is complete.

4. *The proposed use is consistent with the preferred use of the buffer (e.g., pervious areas such as tieouts to existing grades, slope stabilizing BMPs, etc.).*

The location of storm drains, water and sewer connections, and road dedication areas and improvements allow for necessary infrastructure for the development. The area of the stream buffer excluded from the conservation easement is an existing open area that will be planted with some tree cover. This area will likely continue to be unimproved but maintained, and as such, will continue to function in the same manner as it does currently.

5. *The plan design provides compensation for the loss of buffer function.*

Many of the proposed encroachments in the buffer will not result in loss of buffer function. The utility connections are temporary in the sense that these areas will be returned to the existing grade upon completion of construction. The improvements associated with Porter Road are related to the existing condition of the road within the buffer and will include required stormwater management where none currently exists, compensating for any loss of functions resulting from the proposed impacts.

Where the Applicant proposes to exclude the buffer from the Category I conservation easement, Staff believes that the current functions provided within the buffer will remain. This area will serve as Open Space and the buffer will be enhanced by planting additional landscape vegetation that is included as part of the Site Plan's Landscape Plan.

a. Forest Conservation Plan

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. As required by the County Forest Conservation Law (Chapter 22A of the County Code), a Preliminary Forest Conservation Plan for the project was submitted with the Preliminary Plan and a Final Forest Conservation Plan was submitted with the Site Plan. The Preliminary Plan and Site Plan reviews occurred concurrently, so the Preliminary and Final Forest Conservation Plans have also been reviewed concurrently. The Preliminary Forest Conservation Plan is consistent with the submitted Final Forest Conservation Plan (Attachment H). Due to the different zones and corresponding land use categories included in the Application, there are two separate forest conservation worksheets and they are located on the Preliminary and Final Forest Conservation Plans. The net tract area for forest conservation is 3.73 acres, which includes the 3.04-acre Property and 0.69 acres of offsite disturbance for required utility connections along Olney-Sandy Spring Road and southwest of the Property.

The FCP includes 1.02 acres of existing forest located on the west side of Porter Road. The Application proposes to retain 0.54 acres and remove 0.48 acres of forest. The retained forest will be protected in a Category I conservation easement. The proposed forest clearing generates a reforestation requirement of 0.25 acres and there is an additional 0.10-acre afforestation requirement for a total of 0.35 acres of forest planting requirement. The Applicant proposes to meet the planting requirement at an M-NCPPC approved forest bank.

b. Forest Conservation Tree Variance

Section 22A-12(b)(3) of the Montgomery County Forest Conservation Law provides criteria that identify certain individual trees and other vegetation as high priority for retention and protection. The law requires that there be no impact to: trees that measure 30 inches or greater DBH; are part of an historic site or designated with an historic structure; are designated as national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion

tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. Any impact to high priority vegetation, including disturbance to the critical root zone (CRZ) requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. Development of the Property requires impact to trees identified as high priority for retention and protection (Protected Trees), therefore, the Applicant has submitted a variance request for these impacts. Staff recommends that a variance be granted, and mitigation be required.

Variance Request – The Applicant submitted a variance request in a letter dated July 9, 2018, for the impacts/removal of trees (Attachment I). The Applicant wishes to obtain a variance to remove ten (10) Protected Trees that are 30 inches or greater, DBH, and considered a high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law (Table 6, Figure 12 & 13). These trees are described in detail in the Applicant's letter and shown graphically on the Forest Conservation Plan. The Applicant also proposes to impact, but not remove, seven (7) Protected Trees that are considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law. Details of the Protected Trees to be affected but retained are described in detail in the Applicant's letter and shown graphically on the Forest Conservation Plan.

Table 6 – Trees Subject to the Variance Request

TREE NO.	BOTANICAL NAME	COMMON NAME	D.B.H. (in.)*	CONDITION	CRZ (SF)	CRZ IMPACT (SF)	CRZ IMPACT %	DISPOSITION
ON-SITE TREES (TAGGED)								
41	Fraxinus americana	White Ash	35	Good	8,659	8,659	100.00	REMOVE
42	Fraxinus americana	White Ash	36	Good	9,161	9,161	100.00	REMOVE
43	Acer rubrum	Red Maple	36	Fair/Good	9,161	9,161	100.00	REMOVE
47	Fraxinus americana	White Ash	44.5	Fair	13,998	13,998	100.00	REMOVE
50	Juglans nigra	Black Locust	31.5	Fair/Good	7,014	7,014	100.00	REMOVE
51	Liriodendron tulipifera	Tulip Poplar	41	Fair/Good	11,882	11,882	100.00	REMOVE
54	Liriodendron tulipifera	Tulip Poplar	31	Fair	6,793	6,793	100.00	REMOVE
106	Liriodendron tulipifera	Tulip Poplar	30.5	Good	6,576	6,576	100.00	REMOVE
OFF-SITE TREES								
65	Liriodendron tulipifera	Tulip Poplar	33	Good	7,698	7,698	100.00	REMOVE
100	Quercus rubra	No. Red Oak	30	Good	6,362	521	8.19	SAVE
101	Quercus rubra	No. Red Oak	51	Good	18,385	4,444	24.17	SAVE
102	Juglans nigra	Black Walnut	32	Good	7,238	24	0.33	SAVE
107	Liriodendron tulipifera	Tulip Poplar	38.5	Good	10,477	4,845	46.24	REMOVE
108	Liriodendron tulipifera	Tulip Poplar	31	Fair	6,793	617	9.08	SAVE
113	Quercus palustris	Pin Oak	38.5	Good	10,477	3,776	36.04	SAVE
117	Liriodendron tulipifera	Tulip Poplar	31.5	Good	7,014	386	5.50	SAVE
120	Liriodendron tulipifera	Tulip Poplar	38	Fair/ Good	10,207	106	1.04	SAVE

*DIAMETER AT BREAST HEIGHT

Unwarranted Hardship Basis – Per Section 22A-21, a variance may only be considered if the Planning Board finds that leaving the Protected Trees in an undisturbed state would result in an unwarranted hardship, denying an applicant reasonable and significant use of the Property. The Applicant contends that an unwarranted hardship would be created due to existing conditions on the Property and the zoning and development requirements for the Property.

The Protected Trees are located throughout and immediately adjacent to the Property and Porter Road, the main access, currently bifurcates the Property. These existing conditions are such that any application to develop this Property for the recommended use and density would result in the need for a tree variance. Staff worked with the Applicant to revise the limits of disturbance to minimize the impacts to the Protected Trees as much as possible. The number and location of the Protected Trees within the developable portions of the Property, and the development requirements create an unwarranted hardship. If the variance were not considered, the development anticipated on this Property could not occur. Staff has reviewed this Application and finds that there would be an unwarranted hardship if a variance were not considered.

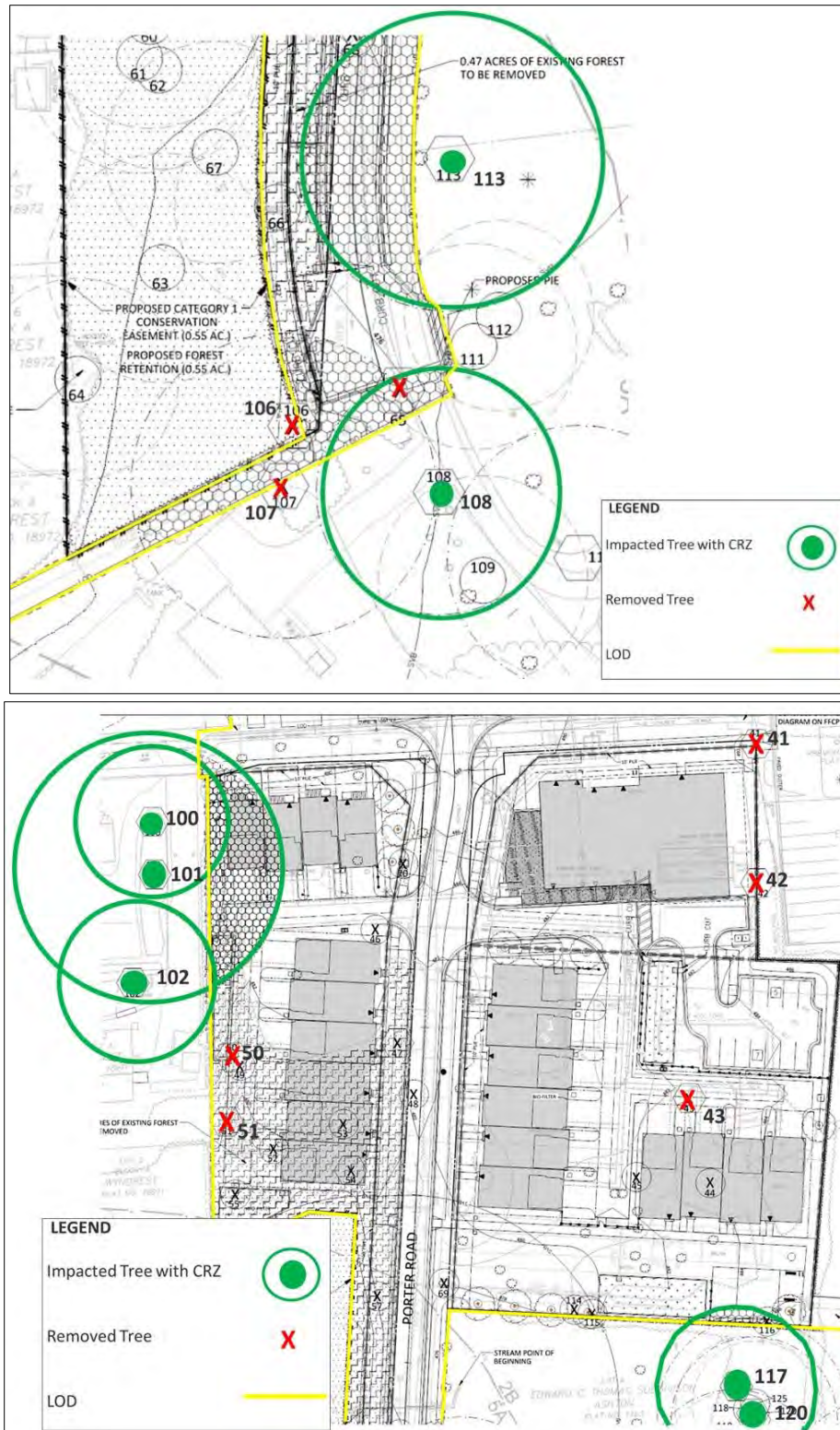


Figure 12 & 13 – Variance Trees

Variance Findings – Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, for a variance to be granted.

Staff has made the following determination based on the required findings in the review of the variance request and the forest conservation plan:

Granting of the requested variance:

1. *Will not confer on the applicant a special privilege that would be denied to other applicants.*

Granting the variance will not confer a special privilege on the Applicant as the disturbance to the Protected Trees is due to the reasonable development of the Property. Protected Trees are located in the developable area of the Property. The Applicant's efforts to minimize impacts to the stream buffer while implementing the necessary and required infrastructure has resulted in unavoidable impacts to Protected Trees. The requested removal of and impacts to Protected Trees are due to required road improvements and utility connections that would be necessary under any application for development of the Property, and disturbance within the anticipated developable area of the site. Any development considered for this Property would be faced with the same considerations. Granting a variance to allow land disturbance within the developable portion of the Property is not unique to this Applicant. Staff believes that the granting of this variance is not a special privilege that would be denied to other applicants.

2. *Is not based on conditions or circumstances which are the result of the actions by the applicant.*

The need for the variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon existing Property conditions, including the location of the Protected Trees within the developable area.

3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The need for a variance is a result of the existing conditions and the proposed design and layout of the Property, and not a result of land or building use on a neighboring property.

4. *Will not violate State water quality standards or cause measurable degradation in water quality.*

The variance will not violate State water quality standards or cause measurable degradation in water quality. Onsite mitigation for the removal of the Protected Trees will ultimately replace the functions currently provided by the Protected Trees to be removed. In addition, the MCDPS has found the stormwater management concept for the proposed project to be acceptable as stated in a letter dated September 28, 2018 (Attachment D). The stormwater management concept incorporates Environmental Site Design standards.

Mitigation for Protected Trees – Five trees subject to the variance provision and proposed to be removed are located within the existing forest. The removal of these trees is incorporated in the “forest clearing” calculations of the Forest Conservation Plan. Staff does not recommend additional mitigation for the loss of these trees as they are accounted for in the forest conservation worksheet as “forest clearing”. Five trees subject to the variance provision and proposed to be removed are not located within existing forest. Mitigation for the removal of these trees is recommended at a rate that approximates the form and function of the trees removed. Therefore, Staff is recommending that replacement occur at a ratio of approximately 1-inch caliper for every 4 inches removed, using trees that are a minimum of 3 caliper inches in size. This Application proposed to remove approximately 179 inches in DBH, resulting in a mitigation requirement of 45 caliper inches of planted, native, canopy trees with a minimum size of 3-inch caliper. The FCP includes the planting of thirteen (13) 3.5-inch caliper, native, canopy trees as mitigation for the removal of the five variance trees. Although these trees will not be as large as the trees lost, they will provide some immediate benefit and ultimately replace the canopy lost by the removal of these trees. Staff does not recommend mitigation for trees affected, but not removed. The affected root systems of these trees will receive adequate tree protection measures allowing the roots to regenerate and the functions provided restored.

County Arborist’s Recommendation on the Variance – In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The request was forwarded to the County Arborist. As of the date of this staff report, Staff had not received any correspondence from the County Arborist regarding this variance request.

Conclusion

The Preliminary Forest Conservation Plan No. 120180180 with conditions meets all applicable section of Chapter 22A of the Montgomery County Code, therefore, Staff recommends approval of the Preliminary and Final Forest Conservation Plan, subject to the conditions cited above.

5. *All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.*

The Preliminary Plan Application meets the stormwater management requirements of Chapter 19 of the County Code. The Applicant received a stormwater concept approval from MCDPS Water Resources Section on September 28, 2018. The Application will meet stormwater management goals using five micro-bioretenment facilities distributed throughout the Subject Property.

6. *Any other applicable provisions specific to the property and necessary for approval of the subdivision is satisfied.*

Staff is not aware of any other applicable provisions specific to the Property necessary for approval of the subdivision.

The approved Local Map Amendment did not include a binding element requiring the Applicant to retain the layout shown on the FZP. Therefore, Staff contends that the layout of the development could still be modified as part of the Site Plan review.

- b. satisfies applicable use standards, development standards, and general requirements under this Chapter;*

The Site Plan satisfies the applicable use standards, development standards and general requirements of the Zoning Ordinance as established below. The Subject Property is entirely within the Sandy Spring/Ashton Rural Village Overlay zone and must meet the standards of the SSA Overlay zone in addition to the development standards of the CRT and TF-10 zone. Townhouse living is allowed by right in the TF zone which was approved as part of the recent LMA. Restaurants, retail/service establishments and multi-use living are permitted uses in the CRT zone. The density proposed on the Subject Property is within the allowed density mapped for the CRT zone, is below the maximum commercial density allowed in the SSA Overlay zone and is consistent with the binding elements of the LMA.

The Subject Property is zoned CRT 0.75 C-0.75 R-0.25 and TF-10. The following tables, Table 7 & 8, shows the Site Plan's conformance to the development standards of the zones including the binding elements of the approved LMA, the development standards of the CRT zone (standard method of development), the development standards of the TF-10 and the applicable parking standards.

Table 7: Development Standards - Site Plan in the CRT zone

Development Standard	Required/Permitted	Proposed
Density		
Maximum Density	0.75 FAR (21,838 sf)	0.34 FAR (9,900 sf)
Commercial	0.75 FAR (21,838 sf)	0.23 FAR (6,800 sf)
Residential	0.25 FAR (7,279 sf)	0.11 FAR (3,100 sf)
Lot (min) – Multi-Use Building		
<ul style="list-style-type: none"> - Lot area - Width at front building line - Width at front lot line 	n/a	n/a
Lot Coverage (max)	n/a	n/a
Building Height (max)	24 ft. or 30 ft. at site plan	30 ft. (See Site Plan)
Placement		
Minimum Front Setback from Site Boundary	-0-	10 ft.
Minimum Side Setback from Site Boundary	-0-	-0-
Minimum Rear Setback from Site Boundary	-0-	20 ft.
Minimum Front Parking Setback	Must be behind front building line of building in the BTA	All parking is underneath or behind building.
Minimum Side Street Parking Setback	Must be behind side street building line of building in the BTA	All parking is behind side street building line.
Minimum Side Parking Setback	Must accommodate landscaping required under Section 6.2.9	None required.
Minimum Rear Parking Setback	Must accommodate landscaping required under Section 6.2.9	None required.
Build-to Area (BTA)	Maximum front setback including public utility easement 25 ft.	20 ft.
Build-to Area (BTA)	Minimum 70% building façade within front street BTA.	75%
Build-to Area (BTA)	Maximum side street setback 25 ft.	25 ft.
Build-to Area (BTA)	Minimum 35% building façade within side street BTA.	50%
Maximum Height	30 ft (24-foot maximum by right, up to 30 feet approvable at site plan)	30 ft.
Open Space and Parking		
Minimum Open Space	10% Public Open Space, 1,887 SF	2,000 SF
Min. Residential Parking	2 spaces (0.5 per 1-2 BR MPDU)	3 spaces ²
Min. Retail Parking	24 spaces (3.5 per 1,000 SF)	28 spaces
Total Min. Parking	26 spaces	31 spaces plus off-site overflow

Min. Bicycle Parking	2 spaces (0.5 per unit + 1 per 10,000 SF)	2 racks with two spaces each
Form		
Entrance facing street or open space	Required	Entrances face Olney Sandy Spring Road.
Maximum entrance spacing	75 ft.	>75 ft.
Ground floor minimum transparency, front facade facing street	60%	>60%
Ground floor minimum transparency, side facade facing street	30%	≥30%
Upper story minimum transparency facing street	20%	>20%
Blank wall maximum, front	25 ft.	<25 ft.
Blank wall maximum, side/rear	35 ft.	≤35 ft.

² One parking spot in the garage and one parking spot in the driveway; spaces are tandem.

Table 8. Development Standards in the TF-10 Zone/approved Floating Zone Plan (LMA H-119)

Standard	Permitted/Required (TLD or Overlay zone)	Approved LMA H-119	Proposed
Site			
Common Open Space	10%, (10,263 sq. ft.)	10%, (10,263 sq. ft.)	10.2%, (10,500 sq. ft.)
Lot and Density			
Lot Area	Determined at Site Plan/Overlay zone	900 sq. ft (Min. per Overlay)	900 sq. ft
TF-10 Zone Density Max	LMA	20 market rate du's 3 MPDU apartments (in multi-use building)	20 market rate du's 3 MPDU apartments (in multi-use building)
Placement			
Setback from any public street	LMA	7 ft.	7 ft.
Side Setback:			
- end unit (from site boundary)	LMA	4'	4'
Rear Setback:			
- adjoining lot	LMA	18'	18'
- alley	LMA	4'	4'
- between lot and site boundary	LMA	10'	10'
Principal Building Height (max)			
Along MD 108 (4 units)	LMA	35'	35' max
All lots not fronting on MD 108	LMA	40'	40' max
Open Space and Parking			
Minimum Open Space (5.2.5.D)	10% or 10,263 SF Common Open Space	10% or 10,263 SF Common Open Space	10,500 SF
Minimum Parking (6.2.4.B)	2 spaces per dwelling unit = 40 spaces	2 spaces per dwelling unit/ 40 spaces	40 spaces plus on-site and off-site guest parking and four bicycle spaces

Compliance with the Sandy Spring/Ashton Rural Overlay Zone

Since the Subject Property is within the Sandy Spring/Ashton (SSA) Rural Village Overlay zone, the Application must be consistent with the purpose of the SSA Overlay zone and meet the development standards below. The purpose of the SSA Overlay zone is to (59-4.9.15.A):

A. Purpose

1. *Preserve and enhance the rural village character of the Sandy Spring and Ashton village centers by ensuring an attractive and traditional pattern of houses, commercial establishments, open spaces and their relationship to roadways.*

The proposed project will preserve and enhance the rural village character of its immediate area and the larger Sandy Spring/Ashton Village by locating, siting, and designing buildings at a scale that is in keeping and compatible with other buildings nearby. The new multi-use building and townhomes will preserve and enhance the character of the Ashton village center by fronting onto public roads and streets and having minimal front setbacks. As proposed, one stick of townhomes and the multi-use building will front onto MD 108, with direct access to the sidewalk. Two sticks of townhouse frame Porter Road, which along with sidewalk and street trees, provide a transition from the commercial to the residential area. The remaining stick of townhouses front on the Common Open Space, helping to define the area. The Common Open Space and conservation area then provide a second level of transition from the townhouses to the predominately single-family detached area and forested stream valley south of Porter Road. The layout of the commercial, residential, and open space on the Subject Property is similar to the development pattern directly north of MD 108, which transitions from most intense use (commercial) along MD-108 at the village center “main street”, to residential (townhouse), followed by open space, single-family detached homes and natural space (fields, streams etc.). As designed, the Application will preserve and enhance the rural village character and continue the traditional pattern of development present in the Ashton village Center.

2. *Encourage a compatible relationship between new or expanded houses or business and traditional neighboring structures that reflects the best of local village character, particularly in terms of scale, siting, design features, and orientation to the site.*

The proposed buildings are compatible to one another and with existing buildings in the Ashton Village. Four townhouses are oriented to front on Olney-Sandy Spring Road, which is a traditional building orientation common in Sandy Spring and Ashton. Similarly, the mixed-use building is also oriented to the main road (MD 108) with multiple entrances, which helps with pedestrian activation of the sidewalk. Building heights are limited to 35 feet (townhouses) and 30 feet (multi-use building) along MD 108, which is also in keeping with the building heights of the surrounding buildings. In addition, the buildings also have architectural features compatible with the local area such as dormer windows and side porches. Parking is located at the rear of the site so that the front and sides of the building remain primarily pedestrian. The proposed Application is consistent with the purpose of the Overlay Zone.

B. Sewer

Lots developed under the SSA Overlay zone must be connected to a community water and sewerage system, unless it can be demonstrated at the time of subdivision that limited number of lots on a private well and septic facility within the development will provide a more beneficial subdivision design because of environmental or compatibility reasons.

All lots proposed by the Application will be served by community (public) water and sewer.

C. Land Uses

Where a lot is either partially or totally in a Commercial/Residential or Employment zone:

1. *Multi-Unit Living, as allowed in the underlying zone, must be in a multi-use building type.*

Application includes three moderately priced dwelling units in connection to the townhouse development. As approved by DHCA the proposed apartment MPDU's will be located on the second floor of the commercial building (Attachment J), which is zoned CRT and permits multi-unit living.

2. *The following uses are prohibited.*

The Application does not propose any of the uses that are prohibited in the SSA Overlay zone (listed in Section 4.9.15) or any of those uses in the accompanying floating zone binding elements.

D. SSA Overlay - Development Standards

1. *Where a lot is in a Commercial/Residential or Employment zone:*

- a. *The maximum height for all buildings is 24 feet, except that the Planning Board may allow additional height up to 30 feet in the site plan approval process, if the Planning Board finds that the additional height is compatible with the abutting uses and substantially conforms with the intent of the master plan.*

The Applicant requests that the Planning Board allow an increase in height from 24 feet to 30 feet for the multi-use building which is in the CRT zone. The Applicant proposes to construct a 30-foot-tall multi-use building with ground floor retail/services and three Moderately Priced Dwelling Units (rental) on the second floor. The multi-use building will abut the side of four townhouse units facing MD 108, which per binding element No.7 of the Floating Zone Plan are limited to a height of 35 feet as measured from street grade. The 35-foot height restriction was added for compatibility with the adjacent and confronting buildings. Approval of the 6-foot height increase provides the flexibility needed to create a building with enough space to vary the style and pitch of the roof across the building. It allows for an optimal building layout, vertically organized with parking on the bottom (out of sight), retail at street level to activate the street/pedestrian realm, and MPDU's above. One of the primary reasons additional height is needed is to incorporate generously proportioned MPDUs above the commercial space, which the Master Plan encourages in the village centers.



Figure 15 – Multi-use Building Rendering (Illustrative)

The multi-use building will feature architectural elements compatible with the rural village character of the surrounding area, such as porches, peaked roofs and dormer windows. The building design is a blend of the architectural styles found in the Sandy Spring Historic District and other surrounding buildings throughout the Sandy Spring/Ashton area. Furthermore, the multi-use building will sit between an exist gas station (to the east) and a stick of four townhomes on the opposite side of Porter Road with a similar architectural design. Ultimately, the increase in height results in the best architectural and contextual building design unique to Ashton and Sandy Spring.

- b. The maximum density for commercial uses is 0.75 FAR, and is computed only on the area of the underlying Commercial/Residential or Employment zoned portion of the site.*

The Application proposes 0.23 FAR (6,800 SF) of commercial development and 0.09 FAR (3,100 SF) of residential, which based on the area of the site that is zoned CRT is far below the 0.75 FAR (21,838 SF) maximum that is permitted.

- c. In areas recommended in the master plan for mixed use development, development must substantially conform with the recommendations of the master plan. In the residential portions of the mixed-use areas, off street parking for commercial uses is allowed without a requirement for approval of a conditional use.*

Not applicable.

- 2. Where a lot is in a Residential zone:*

- a. The density of development must not exceed the standards for the underlying zone under optional method Cluster Development.*

Optional Method Cluster Development is not allowed in the townhouse zones, and, therefore, is not permitted in the TF zone. The maximum density for the TF zone was determined as part of the LMA and reflected in the binding elements on the FZP.

- b. *The Planning Board may approve lot sizes as small as 900 square feet for a townhouse, 2,000 square feet for a duplex, and 3,000 square feet for any other building type, including a minimum of zero feet for side setbacks on one side, upon a showing that the resulting development will substantially conform with the recommendations of the master plan.*

The proposed townhouse lots would comply with the minimum townhouse lot size of 900 square feet and demonstrates conformance with the recommendations of the Master Plan.

- c. *The maximum height for all buildings is 35 feet; however, if in the site plan approval process the Planning Board finds that additional building height is compatible with the abutting uses and the building height substantially conforms to the intent of the master plan, the maximum building height is 40 feet.*

The Applicant is requesting that the Planning Board allow a maximum building height of 40 feet for the proposed townhouses, with the exception of the 4 units facing MD 108 which will have a maximum height of 35 feet as measured from the road. As part of their statement of justification the Applicant provided the following argument to support their request:

“The Applicant requests approval of a maximum height of 40 feet for the remaining townhouses to permit rear-loaded garages. Depending on exact site locations and topography, some of these townhouses may not reach the 40-foot height.

1. Compatibility with Abutting Uses

The 40-foot townhouses will be compatible with abutting uses due to the sloping topography of the Subject Property, which will make these townhouses appear shorter, as well as the nature of the abutting uses and proposed buffering.

To the west, two residential lots will abut 40-foot townhouses, either in whole or in part. In both cases, a side or rear yard abuts the Subject Property. The two lots use a shared driveway that runs between the houses and the Subject Property. These two homes will be buffered by the width of their shared driveway, a six-foot, opaque fence to be installed by the Applicant, a landscaped area inside the fence, and the alley providing access to the townhouse driveways. With this buffering and the sloping topography that reduces their height relative to neighboring properties, the townhouses will be fully compatible with the abutting houses.

To the east, the 40-foot townhouses will abut the parking lots of an office building and a church. They will be screened by landscaping and considerable distance, creating a compatible relationship with these commercial and institutional uses.

To the south on the west side of Porter Road, the forest conservation area on the Subject Property abuts a public right-of-way. The 40-foot townhouses are considerable distance from the nearest home on the other side of that right-of-way. To the south on the east side of Porter Road, the 40-foot townhouses are separated from the property line by common open space and landscaping, and the abutting property is undeveloped.

For all of the above reasons, the requested 40-foot height is consistent with the 1998 Master Plan and compatible with abutting land uses.”

With regard to Master Plan conformance, the Applicant provided the following: “The 1998 Master Plan does not provide specific height guidance for residential development in the Ashton Village Center, although it generally recommends heights compatible with the Sandy Spring Historic District for the Sandy Spring and Ashton Village Centers. See Plan at 29-31. The Overlay Zone that was adopted in conjunction with the 1998 Master Plan imposed a height limit for residential property of 35 feet; in early 2017 the County Council amended the Overlay Zone to allow up to 40 feet if approved at site plan, per the language quoted above. This reflects the Council’s judgment (supported by a recommendation of approval from the Planning Board) that a maximum height limit of 40 feet is reasonable, with appropriate scrutiny at site plan, to allow the height necessary for built-in rear-serving garages.”

Staff agrees with the Applicant’s justification regarding compatibility and Master Plan conformance. Therefore, Staff supports the Applicant’s request for 40-foot-tall townhouses.

E. Site Plan

- 1. In addition to the site plan findings under Section 7.3.4.E, the Planning Board must find that all retail uses proposed in new or renovated buildings are directly accessible from a sidewalk, plaza, or other public space.*

As shown on the Site Plan, the retail (multi-use) building fronts on MD 108 and is directly accessible from the Public Open Space and sidewalk between the building and road.

F. Parking

As discussion in the Proposal section on page 18 of this report, 19 parking spaces will be provided in a parking garage below the retail building which will be accessed from the rear off of the shared private alley and Porter Road. An additional 12 parking spaces will be provided in a surface parking lot situated behind the multi-use building. Each townhouse has a rear loaded two car garage and driveway capable of accommodating two additional vehicles. The Applicant has also proposed an off-site parking arrangement to provide overflowing parking on the adjacent property, which is accessible via a sidewalk. As proposed, the on-site parking meets the standards of the SSA Overlay by providing only rear loaded townhouses, tucking all parking under or behind the mixed-

use building (out of site), and consolidating vehicular access to the mixed-use building, surface parking lot and Lots 11-20.

Division 6 – General Development Standards

As established by the floating zone standards in the Zoning Ordinance, Section 5.2.5.E, the parking, recreation facilities, screening, and landscaping must be provided under Article 59-6 as required for the Euclidean zone that establishes uses under Section 5.2.3 for each applicable residential or commercial area (Applies to the Townhouse Development only).

i. Division 6.1. Site Access

Vehicle and pedestrian access to the Site is provided via Porter Road, off of Olney-Sandy Spring Road. The access to the Site is adequate with suggested conditions recommended by MDSA for 20 one-family attached dwellings and the multi-use building that shares the access. All of the townhouse units are rear loaded and accessed off shared private alleys, instead of having multiple single driveways with direct access to Porter Road which conflicts with pedestrian movement on the sidewalk.

The Application also proposes a pedestrian connection from the Subject Property to the neighboring commercial property to the east at 17830 New Hampshire Avenue, which will also provide overflow parking for the project. Driveways for the individual units provide access to an internal network of private alleys and streets rather than directly to public streets.

Per Staff's direction, the Applicant also explored a new pedestrian connection extending from Porter Road through an existing right-of-way along the southern edge of the Subject Property between the Subject Property and heading southwest to Hidden Garden Lane to provide additional connections as recommended in the *Sandy Spring/Ashton Master Plan*. The connection would require an easement along a small section of private property between the available right-of-way and Hidden Garden Lane to make the final connection. The Applicant made a good faith effort to oblige staff's recommendation by contacting this property owner, whose rear yard abuts Porter Road and side yard abuts Hidden Garden Lane. However, the property owner did not grant an easement to accommodate the connection (Attachment K). Construction of any pathway in this area would have to terminate abruptly at this neighbor's private property boundary and would encourage trespass.

ii. Division 6.2. Parking, Queuing, and Loading

The Site Plan provides adequate parking to serve the proposed development. Vehicle parking in the TLD zone outside of a reduced parking area has a minimum of 2 spaces per single-family dwelling unit, which will be provided by way of two car garage for each unit. Since each townhouse has an 18-foot-long driveway, an additional two vehicles will be able to park on each lot. The Applicants statement of justification states that the central parking lot will be shared, and available to the townhouse residents for visitor parking as well as visitors of the retail component.

Porter Road provides approximately 100 feet of queueing space for vehicles turning onto Olney-Sandy Spring Road, which will provide space for about five vehicles to queue. With proposed traffic generated by this project and the single-family homes to the south, this should be sufficient queueing space.

Loading for the multi-use building is accommodated behind the building in the alley. The loading is tucked behind the building and does not obstruct other vehicular movements.

iii. *Division 6.3. Open Space and Recreation*

The Application includes both Common Open Space and Public Open Space. The CRT zone requires 10% Public Open Space for a multi-use building type. Pursuant to the TF-10 zone standards, open space is required under the equivalent Euclidean zone, the TLD zone, which is 10% Common Open Space for townhouse building type. The Site Plan proposes 2,000 square feet or approximately 10.6% of Public Open Space on the CRT zoned portion of the Property and 10,500 square feet of 10.2% of Common Open Space on the TF-10 zoned portion of the Property.

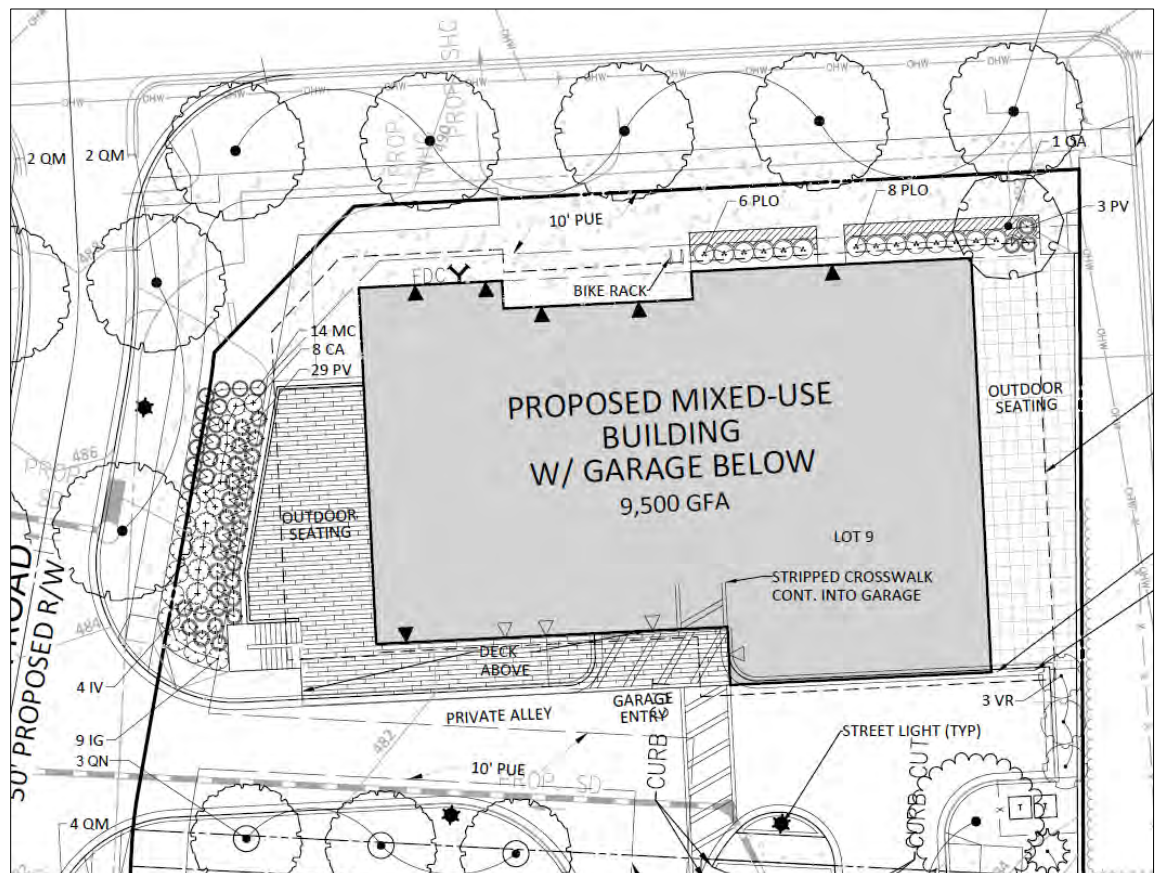


Figure 16 – Public Open Space

Public Open Space is identified as the approximately 15-foot-wide by 130-foot-long area between the front of the multi-use building and MD 108. The Public Open Space consists primarily of a hardscape area that directly abuts the proposed 5-foot-wide sidewalk, which will be constructed along the MD 108 frontage. The hardscaped area creates an adequate and safe transition between the public realm, the multi-use building and the surrounding development via the existing and proposed sidewalk system. Because the building is only setback a short distance from the sidewalk the hardscape ties the building to the broader public realm, a traditional feeling that is common in rural communities and towns. The face of the building will be softened by rows of shrubs, which when combined with the seating and bike rack efficiently activate the sidewalk and adequately contribute to pedestrian scale. The street trees lining the edge of the roadway will efficiently shade the sidewalk and adequately serve as a buffer between vehicles and the public realm.

Figure 17 – Multi-use Building (Illustrative)

Figure 18 – Community Open Space



Figure 19 – Common Open Space Elements

Common Open Space is primarily intended to serve the townhouse development, providing an area for active recreation, and is located to take advantage of existing natural features. The linear space, which runs the length of the southeast property line, connects the forested stream valley buffer area west of Porter Road to the stream valley buffer on eastern half of the Subject Property. The linear area also provides an adequate open space transition between the townhouses and single-family lots to the south. The Common Open Space is accessible from the sidewalk on Porter Road and the alley between Lot 16 and 17, which are connected to the sidewalk leading to the off-site parking on the adjoining property. Much of the space is unprogrammed lawn that can be used in a variety of ways by the residents. The Common Open Space also contains a micro-bio stormwater facility, a timber-edged multi-age play area and a seating area. The seating area features two benches facing one another which are shaded by individual arbors and trees. The seating area is adequately located in proximity to the multi-age play area. A pair of bike racks are also located by the seating area adjacent to the stairs leading to the neighboring property.

Proposed Onsite Recreation Facilities and their Supply Points

Recreation Facility	Quantity	% Bonus Points	Tots	Children	Teens	Young Adults	Adults	Seniors
Open Grass Area Lawn - Small (5,000 sf)	1	0%	3	4	9	9	9	3
Playground (Age 2-5) [Tot Lot]	1	0%	9	2	2	3	3	3
Total Onsite Supply Points=			12	6	11	12	12	6

Results: Demand, Supply & Adequacy

Age Group	Total Demand Points	Offsite Supply Points	Onsite Supply Points	Total Supply Points	Adequacy
Tots	3.28	1.15	12	13.15	Adequate
Children	5.09	1.78	6	7.78	Adequate
Teens	3.74	1.31	11	12.31	Adequate
Young Adults	12.73	4.46	12	16.46	Adequate
Adults	16.04	5.61	12	17.61	Adequate
Seniors	2.44	0.85	6	6.85	Adequate

Figure 20 – Recreation Guidelines – Summary of Demand, Supply & Adequacy Report

As described above, a contiguous Common Open Space area is being provided on the southeast portion of the Subject Property. This area, which includes multi-age play equipment and open grass area, provides a space for active and passive recreation at all ages. While not specifically included in the Recreation Guidelines report (Figure 20), other elements are being provided in the Common Open Space that create an adequate space, such as a landscaped perimeter, bike rack and pergola with seating. The proposed sidewalk network provides a pedestrian link to the units in the multi-use building and the townhouses on both sides of Porter Road. It also ties into the existing sidewalks along the Property frontage along MD 108 providing a safe connection to the amenities in the surrounding area that connects the townhomes on both sides of Porter Road to the recreation area and the surrounding. As proposed, the recreation facilities and amenities are safe, adequate and efficient to meet the recreational needs of the residents.

iv. *Division 6.4. General Landscaping and Outdoor Lighting*

The Site Plan meets the standards for the provision of landscaping and outdoor lighting as required by Division 6.4.

The Application includes a variety of new landscaping and lighting throughout the Property. Street trees are provided along MD 108 to enhance the pedestrian environment, provide shade, and create an aesthetically pleasing presence on road.

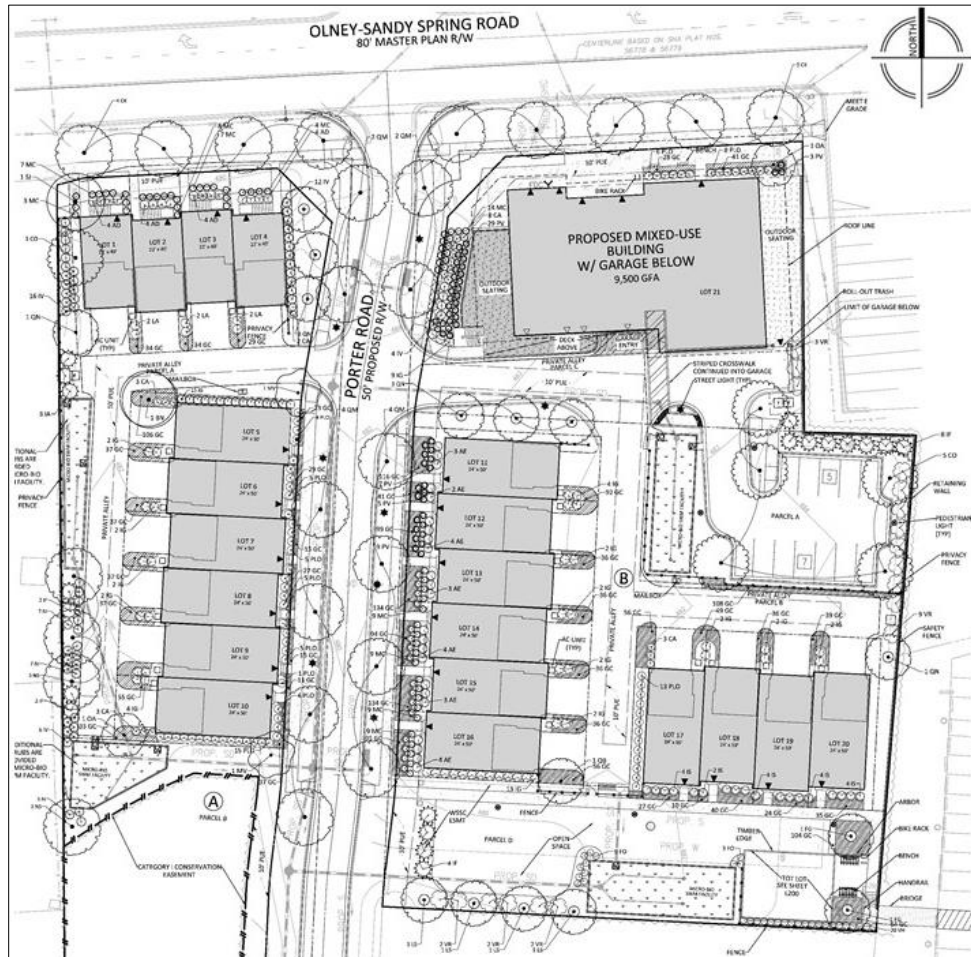


Figure 21 – Landscaping and Lighting Plan

The Applicant will be planting a variety of native shade trees such as yellowwoods, sweet gums, and oaks. These shade trees will be planted around the perimeter of the parking lot. The trees will shade 64% or 2,805 square feet of the 4,938 square foot surface parking lot (Parcel A) which exceed the minimum 25 % shading requirement and create depth in the landscape. Shrubs and ground cover will also be planted along the perimeter of the parking area, between driveways, and along the front each townhouse unit. A 6-foot fence and landscaping will be provided around the small surface parking lot south of the

multi-use building. The fence and landscaping will adequately block vehicle headlight glare on the adjacent properties.

Lighting on-site consists of 8 freestanding light emitting diode (LED) street lights and 5 matching pedestrian LED light poles. The light poles will be installed throughout the site to illuminate the pedestrian and vehicular circulation environment. The street lights are decorative full cutoff fixtures mounted on a 16 feet tall pole with an architectural. The pedestrian level lights will be the same style but mounted on a 10-foot tall pole. The proposed fixtures will provide illumination as well as be visually appealing. The photometric plan submitted by the Applicant shows that the proposed lighting package will adequately illuminate the site creating a safe environment, without creating light spillage or excessive glare on adjacent properties or the rights-of-way. All site lighting provides adequate, safe and efficient illumination.

v. *Division 6.5. Screening Requirements*

The Site Plan proposes townhomes in the TF-10 Zone and a multi-use building in the CRT Zone. The Applicant is not required to provide screening for the townhouses because none of the townhouse lots directly abut a property in the Agricultural, Rural Residential, or Residential zone that is vacant or improved with a residential use. All of the proposed lots east of Porter Road are separated from the abutting properties by Common Open Space which includes substantial plantings around its perimeter. However, binding element No. 6 of the approved FZP states that, "Appropriate fencing or landscape screening will be provided at the northwest corner of the site, along the border between the subject property and neighboring homes".



Figure 22 – Screening per binding element No.6

Applicant is complying with the binding element by installing a 6-foot tall wood board-on-board fence, closest to the Property line follow-by a variety of shade trees, evergreen trees, evergreen shrubs and flowering shrubs the frame a linear planted micro-bioretention facility (Figure 22).

c. satisfies the applicable requirements of:

i. Chapter 19, Erosion, Sediment Control, and Stormwater Management; and

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services – Water Resources Section on September 18, 2018. Applications will meet stormwater management goals through the use of five micro-biofiltration facilities located throughout the Property.

ii. Chapter 22A, Forest Conservation.

The Site Plan is subject to the Chapter 22A, Montgomery County Forest Conservation Law. The Site Plan includes the Final Forest Conservation Plan No. 820180160 which Staff recommends conditional approval. The Application proposes to retain 0.54 acres and remove 0.48 acres of forest. The retained forest will be protected in a Category I conservation easement. The proposed forest clearing generates a reforestation requirement of 0.25 acres and there is an additional 0.10-acre afforestation requirement for a total of 0.35 acres of forest planting required. The Applicant proposes to satisfy the planting requirement by purchasing credits from an M-NCPPC approved forest bank. The Application includes a tree variance requesting impacts to, and removal of trees that are greater than or equal to 30 inches in diameter at breast height. An analysis of the tree variance request can be found in the Preliminary Plan section of this Staff Report, starting on page 36.

d. *provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;*

i. Parking and circulation

The Site Plan provides for safe circulation patterns with well-integrated parking on the Property. The development will have one point of access on Olney-Sandy Spring Road via Porter Road that exists now and will be improved as part of this Application. Porter Road will be upgraded to Tertiary Residential Street standards including sidewalks along both sides of Porter Road along the developed section down to the proposed open space. Access to all of the residential units and the multi-use building will be through private alleys and streets, built to approved alley standards, and the Application provides for adequate emergency vehicle access and turn-around locations. An existing sidewalk along the Property frontage of Olney-Sandy Spring Road will be reconstructed to be five-feet wide. Each of the dwelling units will have an integral two car garage, plus room for additional parking on the individual driveways. The multi-use building will have adequate vehicular parking in a garage below street level and a nearby surface parking lot, and adequate bicycle parking will be provided for the building.



Figure 23 – Circulation Diagram

ii. Building massing, open space, and site amenities



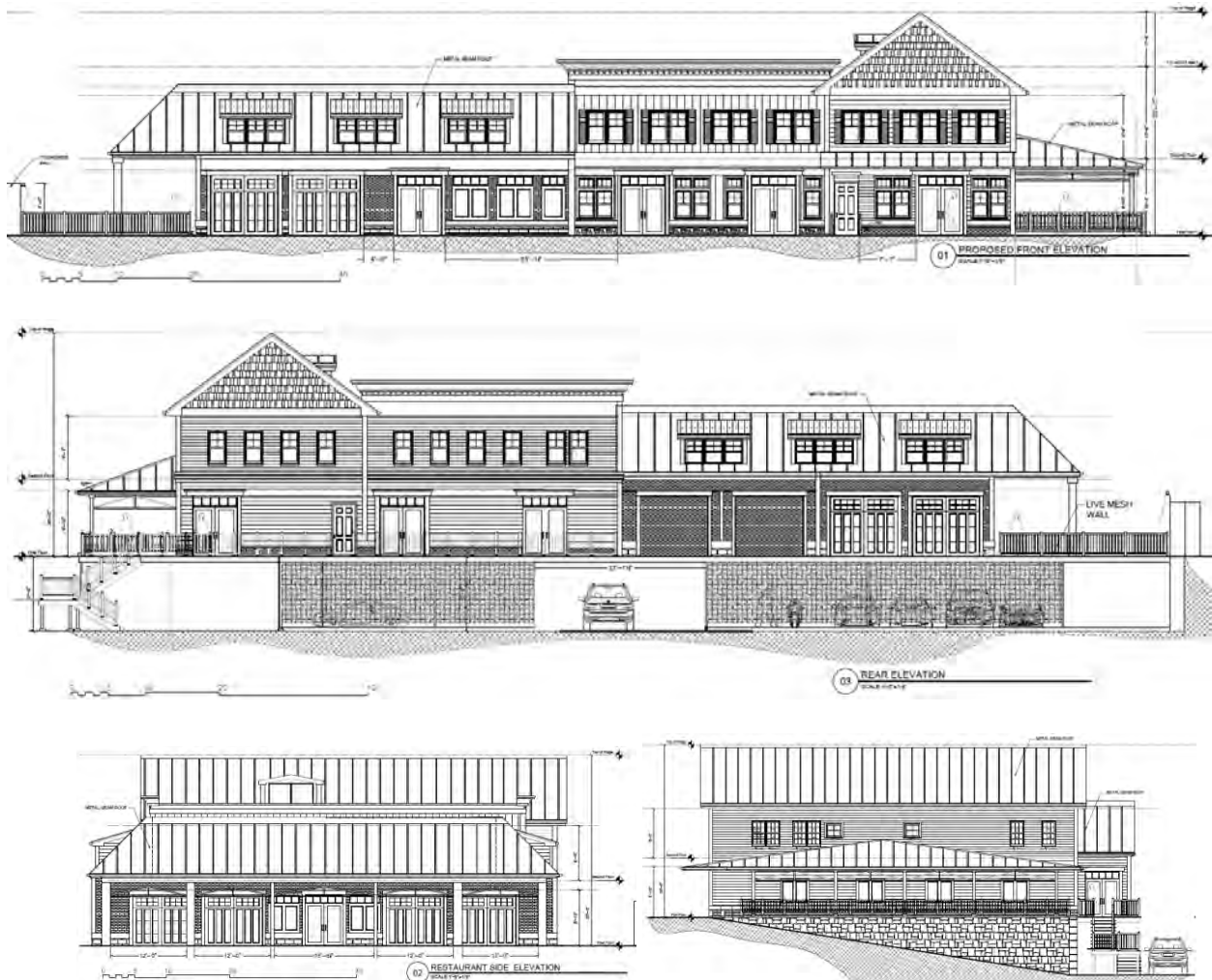
Figure 24 – Building Massing Illustrative (Looking east from Porter Road)

Building Massing

The Site Plan proposes safe and integrated building massing, open space locations and site amenities. The 20 townhomes are being developed in four separate rows (sticks), with 10 units on either side of Porter Road. The multi-use building will be located on the east side of Porter Road, facing MD 108.

Although the multi-use building is constructed as a single unit, it appears very much like three attached buildings that were built at different times which breaks up the overall mass of the building and provides visual interest. The perception of separate buildings results from the fenestrations (covered seating on both ends), layered facade treatments, variety of materials used, and integration of distinctly different, yet cohesive roof styles (hip, flat, and gable).

Twelve units will be divided into two sticks facing each other across Porter Road, with the southernmost units abutting the forested conservation easement area or Common Open Space. The remaining four units will be perpendicular to and share alley access with the six units facing the east side of Porter Road and fronting on the Common Open Space. As previously stated, the Applicant is requesting a maximum height of 40 feet for all townhouses except those fronting on Olney-Sandy Spring Road. The additional building height will allow for the Applicant to integrate rear loaded garages, which will allow the buildings to be pulled closer to Porter Road, as opposed to providing frontloaded units that would need multiple driveway curb cuts on Porter Road, thereby creating a disjointed streetscape and sidewalk. Per binding element No.7 of the Floating Zone Plan the stick of four units facing MD 108 are limited to a height of 35 feet as measured from street grade. This stick of units is perched at the high point along the road, and the 35-foot maximum height was added for compatibility with the adjacent and confronting buildings. Because the Property slopes down away from MD 108, the 40-foot-tall units behind the multi-use building and the units fronting on MD 108 will appear to be the same height from Olney-Sandy Spring Road.



*Figure 25 – Multi-Use Building Elevations
(Top to bottom/left to right: From front/MD 108, rear, abutting gas station, from Porter Road)*

Height and Setback Compatibility

This finding only applies to the Townhouse Development because is zoned TF-10. In reviewing LMA H-119, the County Council reviewed the compatibility, specifically between the townhouses on the westside of Porter Road and the single-family detached homes on the adjoining property was reviewed as part of the rezoning case and found that with binding elements the townhouses were compatible. Since the location, orientation and layout of the townhouses west of Porter Road has remained the same, the Council’s finding of compatibility remains true.

Open Spaces and Amenities

As previously discussed, the Application included Public Open Space and Common Open Space. Both areas provide amenities, such as seating, shade, unprogrammed open areas and attractive landscaping. Each amenity space can be easily accessed by the public and residents from multiple points, via the proposed sidewalk network. Both spaces are visible, providing “eyes on the street” and strategically placed lighting will illuminate the areas when necessary. As proposed, the open spaces shown on Site Plan will be safe, adequate and efficient.

- e. *substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;*



Figure 26 – Townhouse Façade Treatment from MD 108

The Site Plan is in substantial conformance with the recommendations of the 1998 *Sandy Spring/Ashton Master Plan*. The primary objective of the Master Plan is to preserve the rural character of the Sandy Spring/Ashton Area. The Subject Property is within the “Ashton Village Center” as designated in the Master Plan (pg.38).

The Master Plan does not include any site-specific recommendations, only specific guidance related to Porter Road was in reference to Kimball’s Market, which once occupied the corner of the Property where the multi-use building is proposed. The 1998 Master Plan described Kimball’s Market, which has not existed for some years, as contributing “significantly to the sense of community and the village’s character.” (pg 38). The Applicant will replace the existing deteriorated building with a new multi-use building, with a comparable amount of commercial space as the existing building, which will also make a renewed contribution to Ashton’s sense of community and character. The site and building have been designed specifically with these goals in mind.

- f. will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;*

As discussed in the accompanying Preliminary Plan No. 120180180 findings, the proposed development will be served by adequate public facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.

- g. on a property in all other zones, is compatible with existing and approved or pending adjacent development.*

As discussed in the Sandy Spring/Ashton Rural Village Overlay zone section of this report (page 45), the Site Plan is compatible with existing and proposed adjacent development.

- 3. For a property zoned C-1 or C-2 on October 29, 2014 that has not been rezoned by Sectional Map Amendment or Local Map Amendment after October 30, 2014, if the proposed development includes less gross floor area for Retail/Service Establishment uses than the existing development, the Planning Board must consider if the decrease in gross floor area will have an adverse impact on the surrounding area.*

On October 29, 2014, Parcel P395 and Lot 2 were zoned C-1. Lot 2 and a sliver of P395 were subsequently rezoned to TF-10 by LMA H-119. According to Maryland State Property records, the existing building contains approximately 6,550 square feet of gross floor area for retail/service establishments. The proposed multi-use building includes 6,800 square feet of gross floor area for retail/service establishments, therefore, the gross floor area is not being decreased and the surrounding area will not be adversely affected.

SECTION 7 – CITIZEN COORESPONDENCE

The Applicant has met all proper signage, noticing and pre-submission meeting requirements for the submitted Applications. A pre-submission meeting for the Preliminary Plan and Site Plan was held on January 24, 2018 at the Ross Body Community Center in Sandy Spring. According to the meeting sign-in sheets and provided minutes, there were 40 people in attendance. During the meeting the Applicant answered questions about stormwater management, the proposed buildings, fire code, compatibility and the improvements Porter Road. Concerns were raised about parking availability, increased traffic, stormwater management and existing run-off issues, light pollution and the proposed buffer/screening between the townhouses and existing single-family detached houses on Hidden Garden Way. The minutes show the Applicant attempted to address all questions as they were raised at the meeting (Attachment L).

As of the posting of this Staff Report, Staff has received correspondence (Attachment M) from multiple residents and the Sandy-Spring-Ashton Rural Preservation Consortium (SSARPC).

Opposition letters are primarily concerned with the size and number of the townhouse units. The reoccurring sentiment is that there are too many units and the density is too high. In addition, the proposed townhouses are incompatible with the surrounding uses and the rural character that is envisioned by the Master Plan. This same concern was voiced during the LMA hearing, by many of the same individuals. In order to ensure compatibility, a binding element limiting the height of Lots 1-4 (facing MD 108) to 35 feet was added and a second binding element was added that requires screening along the western Property line between the alley and adjoining detached homes. As described on pages 61-62 of this report, those requirements are reflected on the Application. Figure 24 is an illustrative representation of the height which shows that the additional height will result in the townhouses rooflines being approximately the same height as the commercial building, when viewed from MD 108 and therefore predominately screened by the commercial building.

Concerns were raised that the parking provided for the mixed-use building is inadequate. With regard to the proposed restaurant requiring more parking than retail, as proposed, the parking spaces provided for the mixed-use building are adequately to serve a restaurant or a retail establishment. The minimum parking requirement for the commercial portion of the building (6,800 square feet) was calculated based on a purely retail scenario, however, the 28 parking spaces provided for the are also sufficient for a restaurant use, because parking is calculated based on patron area for restaurant uses. Per Section 59.6.2.4 of the Zoning Ordinance, retail requires 3.5 parking spaces per 1,000 square feet of gross floor area, and restaurants require 4 parking spaces per 1,000 square feet of patron area (excludes outdoor seating in the CRT zone). Based on the proposed commercial square footage, retail requires 24 spaces. If the entire 6,800 square feet were devoted to restaurant patron area the parking required would be 28 spaces. However, restaurants require at least a portion of the building to be devoted to backhouse (non-patron area) which would reduce the number of parking spaces. Therefore, the number of parking spaces being provided will accommodate both uses.

Other concern is that the development will have an adverse impact on traffic, and existing vehicular congestion will make existing Porter Road difficult during the peak traffic hours. As discussed on page 28 of this report, a Gap analysis was performed by the Applicant's consultant, which illustrated that sufficient gaps in traffic exist, sufficient to provide for adequate vehicular movement during the peak AM and PM hour.

SECTION 8 – CONCLUSION

The Applications meet all requirements established in the Subdivision Regulations and the Zoning Ordinance. The Applications substantially conform to the binding elements of the approved Floating Zone Plan. Access and public facilities will be adequate to serve the proposed lots, and the Applications have been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Staff finds the Applicant has adequately addressed the concerns raised by the community. Staff recommends approval of this Application, with the conditions as enumerated in the Staff Report.

ATTACHMENTS

- A. Local Map Amendment H-119
- B. Floating Zoning Plan “A” (Approved with binding elements)
- C. Fire Access Plan and Approval Letter
- D. MCDPS Stormwater Management Approval
- E. Gap analysis (MD 108)
- F. MDSHA Letter
- G. Staff memo to the Hearing Examiner
- H. Final Forest Conservation Plan
- I. Variance Request
- J. DHCA Approval
- K. Hidden Garden Lane easement correspondence
- L. Meeting Minutes – January 24, 2018
- M. Correspondence